



FAIRFAX COUNTY BOARD OF SUPERVISORS'
2005 GENERAL ASSEMBLY
FINAL LEGISLATIVE REPORT
February 28, 2005

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The full report is available on the Board of Supervisors Webpage at <http://www.fairfaxcounty.gov/government/board/> listed under "Programs and Reports."

For a more detailed summary, action, and wording of an individual bill please visit the Virginia Legislative Information System Website at <http://leg1.state.va.us/051/lis.htm>

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***Final Report to Board of Supervisors
2005 General Assembly
Monday, February 28th, 2005***

Section I –Report on Initiatives, Priorities and Preliminary Budget Analysis

COUNTY LEGISLATIVE INITIATIVES

The following County bills passed:

HB1968 (Amundson) grants counties with populations of more than 500,000 and the towns within those counties expanded powers to regulate parking of large, heavy vehicles on substandard streets in commercially and industrially zoned districts within their boundaries.

SB929 (Puller) designates the entire length of U.S. Route 1 in Fairfax County the "Blue Star Memorial Highway."

The County's initiative to regulate mopeds will be part of a larger study on the issue:

HB2230 (Rust) would have amended the definition of "moped" to include devices powered by electric motors and allow local governments in the Northern Virginia Planning District enhanced power to regulate or prohibit operation of mopeds, electric power-assisted bicycles, trail-bikes, mini-bikes, and go-carts. A total of 13 moped bills were introduced this session. Both the House and the Senate Transportation Committees felt that they could not craft consensus legislation this session. Both committees agreed to study this issue for the next year with the intent that consensus language be developed for introduction next year.

Two County initiatives failed this year:

HB2116 (Plum) would have added "sexual orientation" as prohibited discrimination and authorizes action against such discrimination by a human rights commission in a county with the urban county executive form of government (Fairfax County.)

SJ343 (Mims) would have requested that the Department of Environmental Quality, in consultation with local governments and appropriate State, regional, and federal air quality and natural resource management agencies, study the effect of urban trees and native forests on ambient ozone levels and other air pollutants, as well as the feasibility of including tree-related measures in State Implementation Plans for managing air quality to reduce health risks and avoid loss of future federal transportation funds. Based on the State Forester's \$70,000 estimated cost for the study, the patron was unwilling to proceed with the bill. In addition, it appears that the Environmental Protection Agency may issue guidelines regarding the use of trees in State Implementation Plans.

NORTHERN VIRGINIA LEGISLATIVE INITIATIVES

Fairfax County and other Northern Virginia localities initiated legislation on several key topics, as well as an budget amendment to fund a regional capital grant project for long term care.

Birmingham Green Assisted Living Facility

Birmingham Green is a regional long term care facility, owned by the Counties of Fairfax, Prince William, Loudoun, and Fauquier and the City of Alexandria. Budget amendments were submitted by Delegate Callahan (at the request of Fairfax County) and Sen. Colgan (at the request of Birmingham Green) for \$2 million in one-time GF, to fill the gap in funding already put together by Birmingham Green for the construction of the new Assisted Living Facility. In the Budget Conference Report, Birmingham Green was awarded \$250,000 GF. This falls far short of the \$2,000,000 requested, but is still viewed as a success in light of the vast amount of one-time capital funding requests submitted this year.

Photo Red Light

All photo red legislation was killed on the House side:

HB2095 (Hugo)/**SB780** (Mims) would have extended the “sunset” on “photo red” traffic light signal enforcement programs from July 1, 2005, to July 1, 2007. **HB2095** was tabled by the House Militia, Police and Public Safety Committee. **SB780** passed the Senate, but was passed by indefinitely by the House Militia, Police and Public Safety Committee.

HB2105 (McQuigg)/**SB732** (Colgan) would have expanded photo-monitoring systems for traffic signal enforcement to all Virginia localities instead of specific localities. It also would have removed the existing July 1, 2005, sunset provision. **HB2105** was tabled by the House Militia, Police and the Public Safety Committee. **SB732** passed Senate. It was passed by indefinitely by the House Militia, Police and the Public Safety Committee.

HB1558 (Tata) would have eliminated the “sunset” provisions for current “photo red” traffic light signal enforcement programs, but limit the programs to localities that currently have “photo red” program. It was tabled by the House Militia, Police and Public Safety Committee.

HB1868 (Brink) would have extended the “sunset” provisions for the current “photo red” traffic light signal enforcement programs from July 1, 2005 to July 1, 2006. It also asked Virginia Commonwealth University to study safety impacts of “photo red” programs. This bill was stricken by the patron.

HB2274 (Oder) would have eliminated the “sunset” provisions for “photo red” traffic light signal enforcement programs. In addition to those currently permitted to have “photo red” programs, it would also have allowed jurisdictions with the one of five most dangerous intersections as determined by Department of Motor Vehicles to establish “photo red program.” This bill was tabled by the House Militia, Police and Public Safety Committee.

SB1004 (Devolites) would have expanded photo-monitoring systems for traffic signal enforcement to all Virginia localities instead of specific localities. It also would have removed the existing July 1, 2005, sunset provision. It passed the Senate. It was passed by indefinitely by the House Militia, Police and the Public Safety Committee.

SB1095 (Stolle) would have extended the “sunset” provisions for the current “photo red” traffic light signal enforcement programs from July 1, 2005 to July 1, 2006. It passed the Senate. It was passed by indefinitely by the House Militia, Police and the Public Safety Committee.

HB1576 (Reese) was originally a bill related to the duty of a driver to stop in the event of an accident. The Senate approved a substitute to the bill which incorporated the “photo red” provisions from **SB 780** without the sunset provision and including changes to the presumption of guilty provisions of the current law. The Speaker of the House ruled that the Senate substitute was not germane.

Although the photo red bills were unsuccessful, the General Assembly did approve **SB815** (Williams). This bill authorizes "photo toll" facilities to record images of all vehicles whose operators choose to use the facilities and bill the registered owners of vehicles as to which no toll is paid, prior to pursuing other remedies. This bill also allows operators to charge an administrative fee of up to \$25 when collecting unpaid tolls.

Transportation and Transit Funding

SB1099 (Whipple) would have increased from two to four percent the sales tax on fuels in every county or city in the Northern Virginia Transportation District. This bill would have generated an additional \$20 million annually to pay Northern Virginia's share of Washington Metropolitan Area Transit Authority expenses. The bill passed the Senate but was tabled in the House Finance Committee on a vote of 17-4.

COUNTY PRIORITIES

Assisted Living Facilities

Fourteen bills intending to improve the quality of care provided in Virginia-licensed Assisted Living Facilities were introduced this Session. To resolve differences and to promote a comprehensive revision to current State policy and practice, a broad-based coalition of advocacy groups, ALF provider organizations, State agencies, and the County's representative met throughout the Session to work with the patrons of the two most comprehensive bills, **HB2512** (Hamilton) and **SB1183** (Hanger). The bills have been conformed and will be forwarded to the Governor for signature.

These two bills have incorporated three of the points included in the Board's 2005 Legislative Program: (a) requiring consistent and comprehensive information for consumers; (b) improved staff and administrative qualifications and training requirements; and (c) assuring compliance with Virginia regulations. The fourth point (increased public funding) is addressed in the Budget section of this report.

The effective dates of other bills' policy revisions are tied to the implementation of regulations to be promulgated by three separate boards (Board of Social Services, a new Board of Long Term Care Administrators, and the Board of Nursing). The details for how the new policies will be implemented are to be spelled out in the regulations, to be developed this year.

Equal Taxing Authority

The County again supported the granting to counties of taxing authority equal to that of other cities, without a State-mandated dedication of such revenues. This authority would enable counties to broaden and diversify their revenue base and reduce dependency on the real eState tax. Several bills were again introduced by members of the delegation, but all were killed.

HB2354 (Hull) would have provided counties with the powers of taxation granted to municipalities as in Section 15.2-1104. **SB1100** (Whipple) similarly would have equalized city and county taxing authority by granting counties the same authority as cities.

Eminent Domain

HB1820 (Suit) modifies the provisions associated with a condemnor's entry onto property by (i) expanding the information provided in the initial request for permission to inspect; (ii) requiring that the notice of intent to enter be posted or otherwise delivered to the owner in person, in addition to being sent by certified mail; and (iii) providing that if the owner files an action to recover damages caused by entry, the court may award the owner reasonable court costs, attorney fees, and expert witness fees for no more than three experts testifying at trial if the court finds that the condemnor maliciously, willfully, or recklessly damaged the owner's property or if the court awards the owner judgment in an amount 30 percent or more than the condemnor's final written offer made no later than 30 days after the filing of an answer.

HB1821 (Suit) modifies the provisions associated with acquisitions under eminent domain by (i) requiring that a State agency's acquisition of real property be conducted in accordance with provisions that are only precatory under current law, including that the State agency establish an initial amount that is no less than the agency's approved appraisal of the fair market value of the property and that no owner can be required to surrender possession until the State agency pays the agreed purchase price or deposits funds with the court, and (ii) providing that if an owner is awarded at trial as compensation for the taking of or damage to property an amount that is 30 percent or more greater than the amount of the petitioner's written offer made not later than 60 days after the owner files responsive pleadings, the court may award the owner reasonable appraisal and engineering fees, and reasonable expert witness fees and travel costs for no more than three experts testifying at the trial. The cost award provisions do not apply to cases involving easements valued at less than \$10,000 or to cases in which a petition in condemnation or certificate of take or deposit was filed prior to July 1, 2005. The provisions of **HB1821** apply equally to acquisitions under eminent domain initiated by localities and other condemning authorities.

Immigrant-Related Legislation

HB1798 (Albo) and **SB1143** (Hanger) provide that no person who is not a U.S. citizen or legally present in the United States are eligible for any State or local public benefits. The bills define State and local public benefits, and set forth a series of exceptions to this eligibility rule. The bills also require applicants for State or local assistance to provide proof of being in the United States legally and establish a process for temporary receipt of benefits when applicants cannot provide such proof. These were the only immigration-related bills to pass this Session. While certain objectionable provisions to the original bills were removed, the Board's main objection regarding the imposition of limitations on certain locally-funded services was not deleted. It is unknown at this time if the Governor will propose changes to the bills.

Several additional bills also were introduced that attempt to limit the public services or benefits available to either the foreign-born population or illegal immigrants working in the Commonwealth; all failed:

HJR597 (Parrish) would have provided information on the impact of foreign born students upon the school systems in the Northern Virginia region. Moreover, **HJR597** (Parrish) would have directed the Joint Legislative Audit and Review Commission to study the economic impact of Virginia's foreign-born population residing within Planning District 8. This study will build upon a prior JLARC study on the acclimation of Virginia's foreign-born population by focusing on the region with over two-thirds of the Commonwealth's foreign-born population.

HB1837 (Parrish) would have made it easier for a law-enforcement officer to arrest an illegal alien by eliminating the requirement that the officer confirm, prior to such arrest, whether the alien has previously been deported or left the United States after the conviction of a felony.

HB2056 (Byron) would have limited the benefits to which aliens not eligible for lawful employment may receive under the Workers' Compensation Act to medical benefits.

HB2910 (Gear) would have provided that persons who are unlawfully present in the country may not be admitted to any public institution of higher education in Virginia.

Land Use - Affordable Housing

HB2167 (Reese) and **SB1206** (Mims), as introduced, would have prohibited any locality from requesting or receiving contributions for affordable housing unless those contributions were made pursuant to an affordable housing program adopted under 15.2-2304 or 15.2-2305, the enabling statutes for affordable dwelling unit ordinances. The proponents of these bills Stated that they were introduced in reaction to a recent decision of the Arlington County Circuit Court, that the bills simply codified the court decision, and that the bills would have had no effect on Fairfax County's long-standing practice of successfully negotiating contributions for affording housing through rezoning proffers. To quite the contrary, these bills, as introduced, would have stopped dead-in-the-water the County's ability to negotiate and accept affordable housing contributions in cases where the affordable dwelling unit ordinance would not apply. These bills were amended in such a manner that Fairfax County and other localities would have been able to continue to negotiate and accept rezoning proffers for affordable housing, as the County has been doing for many, many years, even before the County adopted the affordable dwelling unit ordinance. However, these amendments would not have allowed affordable housing contributions to be required as a condition of special exception approval, which would have adversely impacted Arlington County and the Cities of Alexandria and Falls Church. Ultimately, substitutes for each bill were stricken at the request of the patrons after the Arlington County Board of Supervisors agreed to withdraw its appeal pending before the Virginia Supreme Court of the circuit court decision which reportedly gave rise to the bills having been filed.

Land Use - Cash Proffers

HB2456 (Suit), as introduced, provided that no locality could seek or accept payment of a cash proffer prior to issuance of a building permit. Also, no locality could either request or accept a cash proffer that was scheduled to increase annually, from the time of proffer until tender of payment, by a percentage greater than the annual rate of inflation, as calculated by referring to the Consumer Price Index published by the United States Department of Labor, Bureau of Labor Statistics. After extensive opposition, the bill was amended to prohibit localities from requiring that cash proffers be paid prior to the issuance of the first building permit unless the rezoning applicant has proffered to an earlier payment. Localities may

continue to “seek” and accept proffers whereby cash proffers would be paid prior to the issuance of a building permit. In addition, future proffer payments may be indexed pursuant to the Marshall and Building Cost Index as well as the Consumer Price Index.

HB2888 (Lingamfelter) makes numerous changes to the existing law on the use of cash proffers by localities, including amendments that provide that any locality accepting a cash payment voluntarily proffered on or after July 1, 2005, pursuant to § 15.2-2298, 15.2-2303, or 15.2-2303.1 shall within seven years of receiving full payment of the last cash proffer to be paid pursuant to an approved rezoning, begin construction, engineering, surveying, right-of-way acquisition, site work, or cause construction to begin, of the improvements for which the cash payments were proffered. A locality that does not undertake one of these activities for an improvement for which the cash payments were proffered within seven years of receipt of the final proffered cash payment shall pay the amount of those proffered cash payments to the Commonwealth Transportation Board for allocation to the appropriate construction program. Unless prohibited by the proffer agreement accepted by the locality, following notice and a public hearing, a locality may utilize any proffered funds to construct other improvements within the locality similar to and in the vicinity of those for which the cash payments were proffered. Before doing so, the governing body, after the public hearing, must find: (i) the improvements for which the cash payments were proffered cannot be constructed in a timely manner; (ii) the alternative improvements are in the vicinity of the proposed improvements for which the cash payments were proffered; and (iii) the alternative improvements are in the public's interest. **HB2888** also requires, beginning in FY 2007, that the local capital improvement program includes the amount of all cash proffer payments received during the most recent fiscal year for which a cash proffer report was filed with the Commonwealth and that the annual capital budget include the amount of cash proffers projected to be expended or appropriated for capital improvements in the ensuing year.

Land Use - Board of Zoning Appeals Variances

HB2152 (Amundson), **HB2159** (Reese), and **SB1086** (Ticer), as introduced, would have dramatically changed long-standing law that has governed the standards and criteria for the review and approval of a zoning ordinance variance by a board of zoning appeals (BZA). The purpose of these bills was to loosen the criteria in Va. Code Section 15.2-2309 so that it would be easier to obtain a variance. Proponents believed that such a change was necessary in light of the Virginia Supreme Court decision in April 2004 in Cochran v. Fairfax County BZA, wherein the Supreme Court clearly reStated the fairly stringent criteria that are to be satisfied before a variance may be approved.

Opposition to these bills, as introduced, was widespread among local governments and many citizens. Ultimately, proponents decided to abandon their attempts to revise the statutory standards and criteria for BZA variances set forth in Section 15.2-2309 and opted, instead, to amend existing provisions in Section 15.2-2286 whereby a zoning ordinance may allow a zoning administrator to grant modifications (formerly “variances”) to certain zoning ordinance requirements. As a result, identical substitutes were approved for these bills that do not amend the BZA variance criteria but that revise existing provisions regarding zoning administrator modifications to certain zoning ordinance requirements, where permitted by local ordinance.

Telecommunications - Taxation

Telecommunication representatives have continued to pursue tax simplification and rate reductions this year for the fast-changing industry; meetings with local government representatives continued during 2004 and resulted in legislation being introduced [**HB2880** (Nixon)/**SB1335** (O'Brien)] during this 2005 Session. For a number of reasons, including the complexity of the bills and the inclusion of local and State taxes and fees, the legislation as introduced was not successful and will be pursued again next year.

The Senate version (**SB1335**) was considered by the Commerce and Labor Committee after a number of pointed questions were directed at proponents of the bill regarding the State relay fee and taxation of satellite services. The bill was then left in Committee. The original House version of the legislation (**HB2880**) was never considered by the tax-adverse House Finance Committee; instead, the patron changed the bill into a directive for the Auditor of Public Accounts to continue reviewing and collecting data so that appropriate information will be available for consideration of any future allocation formula.

In summary, the bills as introduced would have changed current local and State telecommunication and video taxes and fees into a five percent Statewide communications sales and use tax on such services. The proposal would have deleted current local consumer utility taxes on “landline” and cell phones, the

local landline E-911 fee, the Virginia relay fee for the hard-of-hearing, and the BPOL tax (only in certain localities with a rate above 0.5%), as well as replacing the local cable franchise fee. Included for “new” taxation would have been satellite and Voice over Internet Protocol (VoIP) services and a new right-of-way fee on cable similar to that currently imposed on telecommunications. The wireless E-911 fee would have remained unchanged, both in amount and distribution.

A Statewide fund for distribution of the new State sales tax back to local governments would have been administered by the Virginia Department of Taxation; a distribution formula was included to keep individual localities “held harmless” to the 2004 revenues generated locally. It is expected that similar, if not identical, legislation will be introduced again by the industry during the 2006 Session.

Telecommunications - Video Franchising

Two bills [**HB2534** (Ingram)/**SB1337** (Stosch)] were introduced by Verizon to amend the State’s cable franchising laws. The bills were changed significantly from the original draft versions after considerable negotiations between Verizon and local government representatives. The basic purpose of the legislation would have been to allow certificated telecommunications and utility companies to provide cable TV without having to obtain a local cable franchise when the action would create competition in the local cable market.

Despite the inclusion of a number of changes to the bills to make the legislation more palatable to local governments, the bills were tabled by the respective House and Senate Commerce and Labor Committees after fierce opposition by the cable industry and some local governments. In the final consideration of the bill by the Senate committee, the proposal was changed to amend only the current standard applied to grants of competing franchises; the purpose of this amendment was to allow competition without requiring competing franchises to “match” all terms and conditions of the incumbent.

Because the Senate and House committees viewed the proposals as significant changes to current public policy, it was determined that the issues needed more in-depth study in the coming year. The utilities subcommittee of House Commerce and Labor was asked to accomplish this on the House side, and the Chairman on the Senate side also signaled that the issue would be studied there as well. Local governments need to be involved in any such study or negotiations as interest of both Verizon and the cable industry will be high.

Telecommunications - Voice over Internet Protocol (VoIP)

Legislation, separate from the telecommunications tax reform legislation, was introduced by Delegate Marshall (**HB1804**) regarding Voice over Internet Protocol (VoIP). The legislation, which was not reviewed by local governments prior to introduction, would have exempted VoIP technology from oversight by the State Corporation Commission (SCC). The consequences of the bill, not immediately understood, were ultimately opposed by local governments for several reasons, including the lack of SCC oversight (currently present for certificated telecommunications providers) and the potential fiscal impact if local E-911 or consumer utility taxes were preempted or prohibited.

HB1804 was left in the Senate Commerce and Labor Committee after no motion was forthcoming to report the bill. Several days later Delegate Marshall then successfully attached a Floor Substitute onto an unrelated bill (**SB1159**) pertaining to the powers of the Wireless E-911 Board. The Floor Substitute, which was accepted by the House, expanded the domain of the Wireless Board to include wireless VoIP. Other provisions were less clear and were immediately questioned by local governments; the Floor Substitute was opposed as a significant policy change which should not be adopted as “last minute” legislation. The Senate then rejected the House Floor Substitute and a motion by the House to recede from the Substitute was accepted on an 83-8 vote.

Transportation Revenue Bills

A total of 17 transportation funding bills were introduced this session. Most of them were introduced by Northern Virginia legislators. Several of them were part of the “Sensible Solutions” Transportation Initiative proposed by the House Republicans. A variety of different revenue sources were proposed. Most of the revenue bills that were not part of the “Sensible Solutions” Transportation Initiative were passed by indefinitely or tabled by the House Finance Committee or the House Appropriations Committee.

HB1525 (Frederick), **HB2099** (Hugo) and **HB2771** (Callahan) each would have used a portion of the automobile insurance license taxes for transportation. **HB2099** would have used one third of these funds to support the sale of bonds to transportation projects. **HB2771** originally would have allocated 1/3 of the automobile license taxes to transportation and would have distributed them based on population. This bill was ultimately changed to incorporate much of the "Sensible Solutions" Transportation Initiative with funds being distributed based on the current allocation formulas. It was the subject of a conference committee made of up the budget conferees. **HB1815** (Marshall) would have dedicated ½ of the automobile insurance license taxes to expedite transportation projects within two years on completion. It was tabled by the House Appropriations Committee.

HB1563 (Rust) and **HB1564** (Albo) would have implemented new fines on frequent traffic violators for excessive speeding, driving while license is suspended, reckless and aggressive driving and DUI. The funds would have been used to support bonds for transportation projects. **HB2630** (Albo) was similar, but would also increase the demerit points for speeding. The first \$40 million generated would be dedicated to a Local Congestion Mitigation fund. The bill would also increase the current revenue sharing program from \$15 million to \$50 million. All of these bills were combined into **HB1563** which failed to report from the Senate Finance Committee.

HB1610 (Cole) would have increased the current ½ cent sales tax for transportation to ¾ cents. **HB1650** (Orrock) would have dedicated the State budget surplus after deposits to the Revenue Stabilization Fund and the Water Quality Fund to the Transportation Trust Fund. **HB1610** was left in the House Appropriations Committee, and **HB1650** was tabled by the same committee.

HB2160 (Reese) would have allocated 20 percent of the annual growth in income tax and sales tax revenue generated in Northern Virginia and Hampton Roads back to those regions for transportation purposes. This bill was tabled by the House Appropriations Committee.

HB2292 (Lingamfelter) would have dedicated additional recordation tax income to the Transportation Trust Fund. This bill was tabled by the House Appropriations Committee.

HB2356 (Watts) would have increased State motor fuels taxes by 7.5 cents (to 25 cents per gallon for gasoline). It also would have added indexing and increased the motor carrier registration from \$100 to \$150. **HB2705** (Sickles) would have increased State motor fuels taxes by 7 cents (to 24.5 cents per gallon for gasoline) on the January 1 following the adoption of a constitutional amendment protecting the Transportation Trust Fund. **HB2432** (Hamilton) would have indexed the rate of motor fuels every two years, based on the percent change in the Consumer Price Index. All three bills were tabled by the House Finance Committee.

HB2596 (May) would have dedicated \$2 of the fee charged by DMV for information requests and a portion of the tax on motor vehicle rentals to a Rail Enhancement Fund.

SB1099 (Whipple) would have increased the Northern Virginia gas tax from two percent to four percent. This bill passed the Senate, but it was tabled by the House Finance Committee.

SB1325 (Chichester) would have dedicated all revenues from the insurance license tax to the Priority Transportation Fund beginning in FY 2007. It was incorporated into **SB1324** (Saslaw).

Transportation Allocation Legislation

Ten bills were introduced to change the transportation allocations formulas. All but one was introduced by Northern Virginia legislators. None of the House bills was successful.

Three of the bills were introduced by Del Rust, **HB2224**, **HB2226** and **HB2322**. **HB2224** would have the JLARC recommendations for revising the construction and maintenance allocation systems. **HB2226** would have changed the urban and secondary highway funding formulas; funding would be allocated based on area (15%), vehicles miles traveled (25%) and population (60%). **HB2322** would have allocated primary highway funding based on vehicle miles traveled divided by lane mile.

HB2355 (Watts)/**HB2929** (Hugo) would have located primary highway funds between construction districts based on vehicle miles traveled divided by lane mile (90%) and need (10%).

HB2330 (Athey) would have expanded the current VDOT revenue sharing program from \$15 million per year to \$100 million per year and allowed cities and towns to participate in the program. **SB993** (Devolites-Davis) was very similar.

HB2736 (Reid)/**SB1325** (Chichester) would have established the Local Partnership Fund, the Rail Partnership Fund, and the Private Partnership Fund. These bills reflected the original Governor's Transportation Plan. **HB2736** has been incorporated into **HB2771**, and **SB1325** has been incorporated into **SB1324**. Both **HB2771** and **SB1324** were subject to a conference committee made up of the budget conferees.

HB2847 (Scott) would have increased the transit share of the Transportation Trust Fund from 14.7% to 19.0%, and reduced the highway share of the TTF.

Water Quality Improvement Legislation

HB2777 (Louderback) and **SB1235** (Quayle) were introduced to establish a framework for the distribution of State general fund money to be deposited into the Water Quality Improvement Fund to help finance costs of design and installation of biological nutrient removal facilities and technology at publicly owned sewage systems. The House and Senate versions went through various amendments and continued to differ as to the varying ranges of percentage of reimbursement that would be available and to the factors to be used to prioritize among grant recipients. The two amended versions also varied significantly in that the Senate version included only a one-year \$50 million grant to the WQIF. The House version matched that in the first year and committed to grant an additional \$50 million per year through 2015.

Generally speaking, the version that initially passed the House was much more favorable to Fairfax County than was the Senate version. As of Saturday evening, when this portion of this report was written, both bills were in conference. The main issue left to be resolved was whether the Code of Virginia would include a commitment to fund the WQIF for more than one year. Both bills also would amend the current formula whereby 10 percent of any general fund surplus and 10 percent of any unreserved general fund balance is to be distributed from the WQIF. Under the bills, any such surplus funds would be distributed 70 percent to nonpoint sources, with a preference for agriculture, and 30 percent to point sources. Currently, any such trends are generally distributed equally between nonpoint and point resources.

STATE BUDGET

Two sticking points to achieving a rapid budget compromise this session initially were transportation funding and funding for the accelerated sales tax. Unlike last year, when budget talks failed to achieve a compromise by the planned end-of-session date, negotiators in the 2005 General Assembly were separated by “only” several hundred million dollars in the \$63 million budget versus several billion dollars in the spring of 2004. As all legislators recall, the 2004 sixty day Session dragged on to an unprecedented 115 days before a budget was agreed upon; during this Session, there was no desire for a repeat performance.

However, despite strong initial differences in opinion between the Senate and the House as to how and when to fund transportation, a compromise was achieved on this, as well as on several other big-ticket items such as pay raises for State employees. Budget talks then were reportedly stalled over smaller items such as local cultural attractions, clean-up of the Chesapeake Bay, a Rockbridge horse center, a Capitol Square tunnel and several other items. As the House maintained a sharp eye on the November 2005 elections, the Senate appeared resolved to not building long-term commitments into the budget base from the purported “surplus funds” that may not be available in the future.

After the House/Senate budget conference agreement was achieved in the wee hours of Saturday morning, the respective houses met on mid-day Saturday and agreed to extend the deadline for completing the budget conference and also extended the Session by one day, to Sunday, February 27. Briefings on the budget were scheduled by both houses for Sunday morning. This was the third time in five years that the GA deadline was extended.

Following is a brief summary of several key budget issues as agreed upon by the House and Senate. A more detailed analysis of the State budget will be provided in the Final Report:

Assisted Living/Auxiliary Grants

Auxiliary Grants (AG) provide support for the poorest residents of Assisted Living Facilities (ALF). The Board (and other advocates) had prompted the need for a doubling in the State’s Auxiliary Grant rate. In Northern Virginia, that action might have resulted in a change from what was then \$1024/month (the rate through December 2004) to over \$2000/month. On average, the monthly cost to ALF for each resident is about \$2,500-\$3,000/month.

The Governor disappointed advocates by proposing an increase of only \$34 in State general funds per month. A host of budget amendments were introduced to increase that rate. The House, however, chose to reduce the Governor’s proposed addition of \$34/month in the GF portion of the total AG payment, which is set by the State. A major part of the AG payment is made using the individual’s monthly federal Social Security Income (SSI) payment. The Senate proposed to add an additional \$35, raising the increase in GF contribution to \$70/month. An SSI increase implemented in January 2005 raised the current AG payment Northern Virginia to \$1045. The Senate’s recommendation would increase that payment to \$1105. The Conferees made no change to the Governor’s introduced budget in regard to Auxiliary Grant rates. The result is an increase in \$34 GF contribution toward the total rate.

Education

The Governor’s introduced budget provided a slight increase in education funding to the County, above the sizable infusion of dollars channeled in the biennium budget to school divisions statewide resulting from spring 2004 actions of the General Assembly providing additional revenues to “catch up” K-12 education to a more “adequate” level of State SOQ funding. The House/Senate budget essentially maintained the status quo, with a slight increase due to the redirection of lottery funds to basic aid. Education funds in the next biennium budget will need to maintain this funding, as well as increase reimbursements annually to reflect the actual costs incurred at the local level to fund K-12 education. Otherwise, slippage will occur and the cycle of underfunding the State’s share will repeat itself again.

Medicaid

The Governor's introduced budget proposed to dedicate portions of the Tobacco Settlement Agreement funds to provide for increases in the rates of obstetricians and dentists. The responses of the two houses to these and other Medicaid rate increases (for hospitals, nursing homes, dentists, physicians, etc.) were quite different. While the Senate seemed willing to provide for rate increases even above those contained within the Governor's proposed budget and within FY 2006, the House deferred many of the Governor's increases under the presumption that insufficient funds would be gained this year to cover those expenses. The House preferred to allow for increases only after any additional funds were in hand, and then appropriated during the next General Assembly Session.

Ultimately, Medicaid rate increases will be seen in a number of critical service areas. Beginning in May, 2005, dental (30% over current rates), mental retardation and development disabilities waiver services (5%), pediatric services (5%), primary care services (5%), personal and adult day care services under Medicaid waivers (2%), Ob/Gyn services (2.5% - this adds to the 34% increased in September 2004), emergency room physician services (3%), and pharmacy dispensing fees (from \$3.75 to \$4 per prescription). In addition, hospitals will see the rates increase by an additional 1% on July 1, 2005, and the 14 trauma centers will receive additional funds.

Salaries

Included in the conference report were FY 2006 compensation increases for State employees (3%, plus \$50 per year of service above five or more years to address salary compression), State-supported local employees (3% and 1.4% equivalent for classified) and a 3% raise for teacher salaries. The teacher and State-supported local employees' adjustments are funded by the State on December 1, 2005 -- this deferred date has become a commonplace practice by the State, despite the fact that localities fund a full year's salary increase for such employees.

Transportation

The General Assembly approved \$848.1 million in new transportation spending as part of the budget. This amount includes \$347.6 million in state General Funds which are a repayment of funds previously borrowed from the Transportation Trust Fund with interest and \$500.5 in non-General Funds. Most of the non-General Funds are unanticipated state and federal transportation revenues. Approximately \$180.0 million of the amount is recurring.

The largest use of these new transportation revenues is \$256.4 million to pay off past project deficits. Of this amount approximately \$15 million is for projects in Fairfax County. The budget also includes \$141.1 million in additional funds for the Transportation Trust Fund that will be allocated by formula; \$107.6 million to pay off Federal Revenue Anticipation Note (FRAN) debt service; \$97.4 million for additional bridge and roadway maintenance; \$75.0 million in transit earmarks (\$40.0 million for Washington Metropolitan Area Transit Authority, \$20.0 million for the Virginia Railway Express, \$10.0 million for a bus rapid transit project in Virginia Beach and \$5 million for a statewide bus purchase); \$75.0 million for revenue sharing and local partnerships; \$50 million for public-private partnerships; \$23.2 million for a statewide Rail Fund, \$20.0 million to upgrade welcome centers and rest areas and \$2.4 million to upgrade the Department of Motor Vehicles computer system.

The attached table shows the anticipated impacts on Fairfax County and a comparison with the Governor's budget, as well as the original House of Delegates and Senate budgets. The approved budget contains \$24 million more than the Governor's original proposal which was apparently an important point for the House of Delegates. The approved budget is nearly \$200 million less than the House of Delegates approved, partially because the Senate was unwilling to agree to the "abuser" fees that the House approved. These fees would have been generated through fines on frequent violators of various traffic laws, such as excessive speeding, driving under the influence, reckless or aggressive driving, and driving with a suspended license. The Senate was also unwilling to use a portion of the new funding to support new transportation bonds, as was proposed by the House of Delegates.

It has been noted repeatedly throughout the General Assembly session by members of both the House and Senate, that the transportation funding packages proposed this year are only intended to be a temporary boost to the state's transportation program. A much larger and more long-term solution to the state's transportation funding problems will need to be developed in the future.

Water Quality Improvement Fund

Published reports indicate that the conference report contains only a single appropriation of \$50 million toward meeting the goals of cleaning up the Chesapeake Bay. The House had wanted to promise a ten year effort, but without a revenue source, the Senate would not agree to such a long term commitment.

Other Items of Interest

Funding for non-State agencies continues to be an annual item for dissention between the House and Senate in the budget discussions, and this was repeated again in this House election year. The House tends to fund these projects at a higher level and the Senate tends to be more conservative. Several organizations in Fairfax County and the region are set to receive funding, including the Northern Virginia Park Authority (\$100,000), the Reston Arts Center (\$125,000), the Wolf Trap Foundation for Performing Arts (\$1.5 million), and the Cold War Museum (\$125,000). These earmarks are spread throughout the State, and the total allocated in the budget statewide is slightly over \$30 million.

2005 State Budget
Comparison of Transportation Funding – Revenue
2005 General Assembly Session

<u>Funding Sources</u>	Governor (In Millions)	House (In Millions)	Senate (In Millions)	Approved (In Millions)
General Funds (Repayment to TTF)	\$374.0	\$202.6	\$196.0	347.6
1/3 Insurance Premiums		\$264.9		
Growth in Federal & State Revenues	\$450.0	\$427.0	\$473.6	
Abuser Fees		\$100.0		
Sales Tax on Rental Cars (3%)		\$23.2		
Increased Fee for DMV Records (\$2)		\$10.0		
Unspecified Non-General Funds				500.5
TOTAL	\$824.0	\$1,027.7	\$669.6	\$848.1

The “Unspecified Non-General Funds” are primarily growth in Federal and State transportation revenues. However, the exact amount of these revenues and any other sources used is not available at this time.

2005 State Budget
Comparison of Transportation Funding Allocation
2005 General Assembly Session

<u>Funding Allocation</u>	<u>Governor (In Millions)</u>	<u>Est. Fairfax County Impact</u>	<u>House (In Millions)</u>	<u>Est. Fairfax County Impact</u>	<u>Senate (In Millions)</u>	<u>Est. Fairfax County Impact</u>	<u>Approved (In Millions)</u>	<u>Est. Fairfax County Impact</u>
Transportation Trust Fund								
Aviation	\$3.5		\$12.8		\$3.6		\$3.4	
Transit	\$21.6		\$78.4		\$22.1		\$20.7	
Highways	\$115.7		\$419.5		\$118.1		\$111.0	
Ports	\$6.2		\$22.4		\$6.3		\$5.9	
Subtotal	\$147.0	Approx. \$20 M	\$533.1	Approx. \$72 M	\$150.1	Approx. \$20 M	\$141.1	Approx. \$19 M
Priority Transit Projects								
- Metrorail cars	\$40.0	Approx. \$20 M	\$40.0	Approx. \$20 M	\$45.0	Approx. \$22 M	\$40.0	Approx. \$20 M
- VRE rail cars	\$20.0	Approx. \$ 9 M	\$20.0	Approx. \$ 9 M	\$25.0	Approx. \$11 M	\$20.0	Approx. \$ 9 M
- Virginia Beach BRT	\$10.0		\$10.0		\$15.0		\$10.0	
- Statewide Bus Purchase	\$10.0	Unknown	\$0.0		\$15.0	Unknown	\$5.0	Unknown
Subtotal	\$80.0		\$70.0		\$100.0		\$75.0	
Project Deficits	\$256.4	Approx. \$15 M	\$256.4	Approx. \$15 M	\$256.4	Approx. \$15 M	\$256.4	Approx. \$15 M
Public-Private Partnerships	\$140.0	Unknown	\$40.0	Unknown			\$50.0	Unknown
Rail Partnerships	\$23.0	Unknown	\$33.2	Unknown	\$25.7	Unknown	\$23.2	Unknown
Local Partnerships and Revenue Sharing	\$80.0	Unknown			\$40.0	Unknown	\$75.0	Unknown
Bridge and Maintenance	\$97.4	Unknown			\$97.4	Unknown	\$97.4	Unknown
Local Congestion Management Fund			\$60.0	Unknown				
Revenue Sharing Program (New Money)			\$35.0	Up to \$2M				
Rest Areas and Welcome Centers							\$20.0	
DMV Computer System							\$2.4	
FRAN Debt Service							107.6	
TOTAL	\$823.8		\$1,027.7		\$669.6		\$848.1	



**FAIRFAX COUNTY
LEGISLATIVE SUMMARY**

2005 GENERAL ASSEMBLY

February 28, 2005

Fairfax County Legislative Summary 2005 General Assembly

Board of Supervisors Report Key

Bill No. – Patron, (District No.) Bill Title	GA Committees where Bill is/was assigned	Last GA Committee or Floor Action	Bold = Date Position taken by full Board of Supervisors [] = Date position taken by BOS Legislative Committee
HB 502 - Callahan, Jr. (34) Transportation improvement districts; establishment in Fairfax County.	(H) Transportation	01/19/04 House: Assigned to Tra. sub- committee: 1	1/26/04
Initiate (047250260) Summary: Facilitates the establishment of local transportation improvement districts in Fairfax County. (Rail to Dulles enabling statute.)			
Bold = Board Position , [] = BOS Legislative Committee Position (LD No. is version of bill on which position was taken) Summary -- Reflects latest version of summary available on the Legislative Information System Web Site			

Fairfax County Initiatives

***Bills Introduced
at Fairfax County's Request***

Bills	General Assembly Actions	Date of BOS Position
HB 1968 - Amundson (44) Parking; allows Fairfax County and towns within its boundaries to regulate.	2/3/2005 House: Reported from Tra. w/amd (17-Y 2-N) 2/7/2005 House: VOTE: PASSAGE (92-Y 5-N) 2/17/2005 Senate: Reported from Transportation (15-Y 0-N) 2/22/2005 Senate: VOTE: PASSAGE R (40-Y 0-N)	1/24/2005
Initiate (055227260) Summary: Grants counties with populations of more than 500,000 and the towns within those counties expanded powers to regulate parking of large, heavy vehicles within their boundaries.		
HB 2116 - Plum (36) Human rights; prohibits discrimination based on sexual orientation in Fairfax County.	1/21/2005 House: Passed by indefinitely in C. C. T. (17-Y 4-N)	1/24/2005
Initiate (055222260) Summary: Adds "sexual orientation" as prohibited discrimination and authorizes action against such discrimination by a human rights commission in a county with the urban county executive form of government (Fairfax County.)		
HB 2230 - Rust (86) Mopeds; regulation in Northern Virginia Planning District.	2/1/2005 House: Tabled in Transportation (21-Y 0-N)	1/24/2005
Initiate (055226260) Summary: Amends the definition of "moped" to include devices powered by electric motors and allows local governments in the Northern Virginia Planning District enhanced power to regulate or prohibit operation of mopeds, electric power-assisted bicycles, trail-bikes, mini-bikes, and go-carts.		
SB 929 Blue Star Memorial Highway; designating as Route 1 in Fairfax County.	2/3/2005 Senate: Reported from Transportation (15-Y 0-N) 2/8/2005 Senate: VOTE: PASSAGE R (40-Y 0-N) 2/15/2005 House: Reported from Tra. (21-Y 0-N) 2/18/2005 House: Passed House BLOCK VOTE (97-Y 0-N)	1/24/2005
Initiate (055221260) Summary: Designates the entire length of U.S. Route 1 in Fairfax County the "Blue Star Memorial Highway."		

Bills	General Assembly Actions	Date of BOS Position
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SJ 343 - Mims (33) Clean Air Act; Dept. of Environmtl. Qual. to study effect of trees & forests on ambient ozone level.	2/8/2005 Senate: Left in Rules	1/24/2005
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Initiate (052104772)

Summary: Requests that the Department of Environmental Quality, in consultation with local governments and appropriate state, regional, and federal air quality and natural resource management agencies study the effect of urban trees and native forests on ambient ozone levels and other air pollutants, as well as the feasibility of including tree-related measures in state implementation plans for managing air quality to reduce health risks and avoid loss of future federal transportation funds.

Fairfax County Positions
(Oppose or Amend)

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Active Legislation

Bills	General Assembly Actions	Date of BOS Position
<p>HB 1798 - Albo (42) Illegal aliens; eligibility for state and local public benefits.</p>	<p>2/3/2005 House: Reported from General Laws with sub (20-Y 1-N) 2/8/2005 House: VOTE: PASSAGE #2 (85-Y 13-N) 2/8/2005 House: VOTE: PASSAGE (88-Y 10-N) 2/16/2005 Senate: Reported from General Laws with amds (11-Y 4-N) 2/22/2005 Senate: VOTE: PASSAGE (27-Y 11-N) 2/22/2005 Senate: Passed Senate with amendments (27-Y 11-N) 2/23/2005 House: VOTE: REJECTED (1-Y 95-N) 2/24/2005 Senate: VOTE: INSIST & REQUEST (40-Y 0-N) 2/26/2005 House: VOTE: ADOPTION (85-Y 9-N) 2/26/2005 Senate: VOTE: CONF. COMMITTEE RPT. (40-Y 0-N)</p>	<p>2/7/2005</p>
<p>Oppose Unless Amended (055255204) - Oppose unless amended to remove the restrictions on local programs supported with only local funding; Board has historically opposed. Summary: Provides that no person who is not a U.S. citizen or legally present in the United States are eligible for any state or local public benefits. The bill defines state and local public benefits, and sets forth a series of exceptions to this eligibility rule. The bill also requires applicants for state or local assistance to provide proof of being in the United States legally and establishes a process for temporary receipt of benefits when applicants cannot provide such proof.</p>		
<p>HB 1804 - Marshall (13) Voice-over-Internet protocol service; exempt from regulation by State Corporation Commission.</p>	<p>1/25/2005 House: Reported from C. & L. with substitute (17-Y 4-N) 1/31/2005 House: VOTE: PASSAGE (90-Y 7-N) 2/21/2005 Senate: Left in Commerce and Labor</p>	<p>1/24/2005</p>
<p>Oppose (054144396) Summary: Eliminates any jurisdiction of the State Corporation Commission to regulate voice-over-Internet protocol service. Voice-over-Internet protocol service is excluded from the scope of the definitions of telephone service, telecommunications service, local exchange telephone service, and interexchange telephone service. Voice-over-Internet protocol service includes any Internet protocol enabled service utilizing a broadband connection.</p>		

Bills	General Assembly Actions	Date of BOS Position
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HB 1820 - Suit (81) Eminent domain; regulations for condemnor's right of entry.	2/4/2005 House: Reported from C. J. with substitute (19-Y 0-N) 2/8/2005 House: VOTE: BLOCK VOTE PASSAGE (98-Y 0-N) 2/21/2005 Senate: Reported from Courts of Justice w/sub (15-Y 0-N) 2/23/2005 Senate: VOTE: PASSAGE R (38-Y 0-N) 2/24/2005 House: VOTE: ADOPTION (98-Y 0-N)	1/24/2005
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Oppose (056738520) - Board has historically opposed.

Summary: Modifies the provisions associated with a condemnor's entry onto property by (i) expanding the information provided in the initial request for permission to inspect and strengthening delivery requirements; (ii) requiring that the notice of intent to enter be posted or otherwise delivered to the owner in person, in addition to being sent by certified mail; and (iii) providing that if the owner files an action to recover damages caused by entry and is awarded judgment in an amount 30 percent or more than the condemnor's final written offer made no later than 30 days after the filing of an answer, or if the court finds that the condemnor maliciously, willfully or recklessly damaged the owner's property, the court shall award the owner reasonable court costs, attorney fees, and expert witness fees for no more than three experts.

HB 1821 - Suit (81) Eminent domain; procedure for acquisition of property by State.	2/4/2005 House: Reported from C. J. with substitute (18-Y 1-N) 2/8/2005 House: VOTE: PASSAGE (96-Y 1-N 1-A) 2/21/2005 Senate: Reported from Courts of Justice w/sub (14-Y 0-N) 2/23/2005 Senate: VOTE: PASSAGE R (38-Y 0-N) 2/24/2005 House: VOTE: ADOPTION (97-Y 0-N 1-A)	1/24/2005
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Oppose (054173520) - Board has historically opposed.

Summary: Modifies the provisions associated with acquisitions under eminent domain by (i) requiring that a state agency's acquisition of real property be conducted in accordance with provisions that are only precatory under current law, including that the state agency establish an initial amount that is no less than the agency's approved appraisal of the fair market value of the property and that no owner can be required to surrender possession until the state agency pays the agreed purchase price or deposits funds with the court, and (ii) providing that if an owner is awarded at trial as compensation for the taking of or damage to property an amount that is 30 percent or more greater than the amount of the petitioner's final written offer made not later than 60 days after respondent files responsive pleadings, the court may award the owner reasonable appraisal and engineering fees, and reasonable expert witness fees and travel costs for no more than three experts testifying at trial. The cost award provisions do not apply to cases involving easements valued at less than \$10,000 or to cases in which a petition in condemnation or certificate of take or deposit was filed prior to July 1, 2005.

Bills	General Assembly Actions	Date of BOS Position
HB 1838 - Parrish (50) Food and beverage tax; limits frequency of referendums on imposing.	1/24/2005 House: Reported from Finance with amd (22-Y 0-N) 1/27/2005 House: VOTE: BLOCK VOTE PASSAGE (97-Y 0-N) 2/17/2005 Senate: Left in Finance	1/24/2005
Oppose (052218452) - Board has historically opposed similar bills. Summary: Limits the frequency of referendums on imposing a county food and beverage tax to once every three years.		
HB 1992 - Griffith (8) Fair Housing Law; evidence of unlawful discriminatory practices.	1/25/2005 House: Reported from General Laws (14-Y 8-N) 1/28/2005 House: VOTE: PASSAGE (62-Y 32-N) 2/16/2005 Senate: Reported from General Laws (8-Y 7-N) 2/21/2005 Senate: VOTE: PASSAGE (13-Y 25-N) 2/21/2005 Senate: VOTE: PASSAGE (7-Y 31-N) 2/21/2005 Senate: VOTE: RECONSIDER (38-Y 0-N)	1/24/2005
Oppose (056270308) - Board has historically opposed. Summary: Provides that the use of words or symbols associated with a particular religion, national origin, sex, or race may be evidence of an illegal preference under the Virginia Fair Housing Law. Current law mandates that the use of such words or symbols is prima facie evidence of an illegal preference. The bill also eliminates the prohibition against use of a general disclaimer to overcome the prima facie evidence.		
HB 2142 - Joannou (79) Clients' Protection Fund; assessment on uninsured attorneys.	1/28/2005 House: Reported from C. J. with substitute (12-Y 7-N) 2/3/2005 House: VOTE: PASSAGE (73-Y 23-N) 2/21/2005 Senate: Left in Courts of Justice	1/24/2005
Amend (053703352) - Amend to exempt Commonwealth Attorneys and local government attorneys. Summary: Requires the Virginia State Bar to assess attorneys who are licensed to practice law in Virginia and engaged in the active practice of law but are not covered by a legal malpractice insurance policy or by the risk management program adopted by the Division of Risk Management \$1,500 annually, to be deposited into the Clients' Protection Fund. The requirement does not apply to government attorneys; attorneys employed solely as in-house counsel for a corporation or other business entity; attorneys registered as lobbyists; and other attorneys who do not normally represent the general public.		

Bills	General Assembly Actions	Date of BOS Position
HB 2168 - Reese (67) Garbage, trash, or refuse collection; additional requirements for localities.	2/4/2005 House: Reported from C. C. T. with amendments (22-Y 0-N) 2/8/2005 House: VOTE: BLOCK VOTE PASSAGE (98-Y 0-N) 2/15/2005 Senate: Reported from Local Government w/amd (8-Y 7-N) 2/21/2005 Senate: VOTE: FLOOR AMEND 1,2 (14-Y 26-N) 2/21/2005 Senate: VOTE: PASSAGE (25-Y 15-N) 2/23/2005 House: VOTE: ADOPTION (97-Y 0-N)	2/7/2005
<p>Oppose Unless Amended (056695484) - Oppose unless amended to remove the five year notice provision and to allow the Board, after a public hearing, to proceed directly to displacement if one of the four specified conditions exists.</p> <p>Summary: Adds requirements to the procedures localities must follow before displacing private companies providing garbage, trash, or refuse collection services. Such requirements include making a written finding of at least one of the following: (i) privately-owned refuse collection and disposal services are not available; (ii) the use of privately-owned and operated services has substantially endangered the public health or created a public nuisance; (iii) privately-owned services, although available, are not able to provide needed services in a reasonable and cost-efficient manner; (iv) or displacement is necessary to provide for the development or operation of a regional system of refuse collection or disposal for two or more localities.</p>		
HB 2282 - Janis (56) Sport shooting ranges; certain specified criteria for localities.	2/4/2005 House: Reported from Counties, Cities and Towns (19-Y 3-N) 2/8/2005 House: VOTE: PASSAGE (85-Y 13-N) 2/21/2005 Senate: Reported from Local Government w/sub (14-Y 1-N) 2/23/2005 Senate: VOTE: PASSAGE (40-Y 0-N) 2/24/2005 House: VOTE: ADOPTION (93-Y 4-N)	2/7/2005
<p>STAFF RECOM: Monitor - Bill was amended by the Senate to strike all references to specific noise levels. Oppose (055025348)</p> <p>Summary: Provides that no locality shall submit a sport shooting range or prohibit or disapprove construction and operation of a sport shooting range if the sound produced from the range meets certain specified criteria.</p>		

Bills	General Assembly Actions	Date of BOS Position
HB 2347 - Marshall (13) Abortion clinics; localities to adopt ordinance requiring license.	1/28/2005 House: Reported from C. C. T. with amendments (14-Y 8-N) 2/2/2005 House: VOTE: PASSAGE (60-Y 36-N) 2/17/2005 Senate: Left in Education and Health	2/7/2005
Oppose (053151396) Summary: Authorizes localities to adopt an ordinance requiring local licensing of abortion clinics. No person shall own, establish, conduct, maintain, manage or operate in an abortion clinic in any locality that has adopted such ordinance without obtaining a local license. Any requirements of licensure pursuant to such ordinance shall be in addition to, not in lieu of, any other requirements imposed on such facilities by law or Board of Health regulation. "Abortion clinic" is defined as any facility, other than a hospital as defined in § 32.1-123, in which 25 or more first trimester abortions are performed in any 12-month period.		
HB 2428 - Cole (88) Veterans; state in hiring to give additional consideration to certain.	1/27/2005 House: Rep. from G. L. w/ sub (22-Y 0-N) 2/2/2005 House: VOTE: BLOCK VOTE PASSAGE (97-Y 0-N) 2/9/2005 Senate: Rep. from G. L. w/ amds (13-Y 0-N) 2/14/2005 Senate: VOTE: (40-Y 0-N) 2/16/2005 House: VOTE: ADOPTION (96-Y 0-N)	[2/11/2005]
STAFF RECOM.: Monitor – Bill has been amended so that local government provisions apply only to hiring policies and practices. [Amend] (053668412 H1) – Amend local government provisions to apply only to hiring policies and practices. Summary: Requires the state in its employment selection practices to give additional consideration to veterans who have a service-connected disability rating fixed by the United States Veterans Administration. The bill also requires local governing bodies to give a preference to veterans in their employment hiring policies and practices.		
HB 2456 - Suit (81) Zoning ordinances; cash proffers requested or accepted by a locality.	2/4/2005 House: Rep. from C. C. T. w/ amds (17-Y 5-N) 2/7/2005 House: VOTE: ENGROSSMENT (45-Y 45-N) 2/8/2005 House: VOTE: PASSAGE (61-Y 35-N) 2/21/2005 Senate: Rep from L. G. w/sub (15-Y 0-N) 2/23/2005 Senate: VOTE: PASSAGE R (38-Y 0-N) 2/24/2005 House: VOTE: ADOPTION (85-Y 12-N)	1/24/2005
Oppose (056116520) Summary: Provides that no locality shall require payment of a cash proffer prior to issuance of a building permit, however, a rezoning applicant may proffer to an earlier payment date. Also, no locality shall either request or accept a cash proffer whose amount is scheduled to increase annually, from the time of proffer until tender of payment, by a percentage greater than the annual rate of inflation, as calculated by referring to the Consumer Price Index published by the United States Department of Labor, Bureau of Labor Statistics or the Marshall and Swift Building Cost Index.		

Bold – Indicates BOS formal action

[] Indicates BOS Legislative Committee Action

Bills	General Assembly Actions	Date of BOS Position
<u>HB 2679</u> - Lingamfelter (31) Business license tax, local; appeals to court.	2/2/2005 House: Reported from Finance with sub (22-Y 0-N) 2/7/2005 House: VOTE: BLOCK VOTE PASSAGE (95-Y 0-N) 2/16/2005 Senate: Reported from Finance with substitute (14-Y 1-N) 2/18/2005 Senate: VOTE: PASSAGE (38-Y 0-N) 2/22/2005 House: VOTE: ADOPTION (98-Y 0-N)	1/24/2005
STAFF RECOM.: Monitor - Bill has been amended to address County's concerns. Oppose (053035380) —Board has historically opposed. Summary: Makes numerous changes to the appeals process regarding local business taxes.		
<u>HB 2777</u> - Louderback (15) Retail Sales and Use Tax; increased, creates Water Quality Improvement Restricted Use Fund.	2/4/2005 House: Rep. from Approps. w/ sub (23-Y 0-N) 2/8/2005 House: VOTE: BLOCK VOTE PASSAGE (98-Y 0-N) 2/14/2005 Senate: Rereferred to Finance 2/14/2005 Senate: Rep. from A. C. & N. R. (14-Y 0-N) 2/14/2005 Senate: Rep. from A. C. & N. R. w/sub (14-Y 0-N) 2/16/2005 Senate: Rep. from Finance w/ sub (15-Y 0-N) 2/21/2005 Senate: VOTE: PASSAGE R (40-Y 0-N) 2/23/2005 House: VOTE: REJECTED (3-Y 94-N) 2/24/2005 Senate: VOTE: INSIST & REQUEST (40-Y 0-N) 2/26/2005 House: VOTE: ADOPTION (96-Y 0-N) 2/26/2005 Senate: VOTE: CONF. COMMITTEE RPT. (40-Y 0-N)	[2/11/2005]
[Amend] (051687384-H1) - Amend to better protect County's efforts to clean-up Chesapeake Bay; both bills' criteria and formulae provide minimal funds to Fairfax County, especially the Senate bill. Similar to SB 810 (Williams) and SB 1235 (Quayle). Summary: Deposits \$50 million annually from the state general fund into the Water Quality Improvement Fund beginning July 1, 2005, through July 1, 2015. These moneys are to be used solely to finance the costs of design and installation of biological nutrient removal facilities or other nutrient removal technology at publicly owned sewage systems. The amount of financing available to the treatment facility will depend on the financial need of the community, to be determined by comparing the annual sewer charges expended within the service area to the reasonable sewer costs established for the community. In addition, the moneys currently used to capitalize the Fund, 10 percent of the general fund surplus and 10 percent of the unreserved general fund balance, will be distributed in a different manner than is currently the case. Seventy percent of these moneys are to be used for implementing best management practices to reduce nitrogen and phosphorous nonpoint source pollution and 30 percent will be disbursed for designing and installing state-of-the-art nutrient removal technologies for publicly owned treatment works that are designated as significant discharges.		

Bold – Indicates BOS formal action

[] Indicates BOS Legislative Committee Action

Bills	General Assembly Actions	Date of BOS Position
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<u>HB 2863</u> - Bryant, Jr. (23) Architects, Engineers, Surveyors and Landscape Architects, Board for; licensure.	2/3/2005 House: Reported from General Laws with sub (21-Y 0-N) 2/8/2005 House: VOTE: PASSAGE (98-Y 0-N) 2/16/2005 Senate: Reported from General Laws (15-Y 0-N) 2/21/2005 Senate: VOTE: PASSAGE R (40-Y 0-N)	2/7/2005
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STAFF RECOM.: Monitor - Bill has been amended to address County's concerns. Similar to SB 1306 (Mims). ~~**Amend** (053629252) — Amend to allow contours and property lines to be depicted on GIS systems with appropriate disclaimers and provided such GIS documents can not be used to obtain formal development approvals.~~

Summary: Provides an exemption from licensure as a land surveyor for persons utilizing photogrammetric methods or similar remote sensing technology to determine topography, contours, or depiction of physical improvements provided such determination shall not be used for the design, modification, or construction of improvements to real property, or for flood plain determination. The bill authorizes the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects to adopt regulations establishing different licensure requirements for a limited area of the practice of land surveying for persons who determine topography, contours or depiction of physical improvements utilizing photogrammetric methods or similar remote sensing technology and who are not otherwise exempt. Any such requirements shall include reasonable provisions for licensure without examination of persons deemed by the Board to be qualified to provide photogrammetric and remote sensing surveying services.

<u>HB 2888</u> - Lingamfelter (31) Proffered funds; localities must begin construction of improvements within 5 years of receipt.	2/4/2005 House: Reported from C. C. T. with amendments (19-Y 2-N) 2/8/2005 House: VOTE: PASSAGE (68-Y 26-N) 2/21/2005 Senate: Reported from Local Government w/sub (15-Y 0-N) 2/23/2005 Senate: VOTE: PASSAGE R (38-Y 0-N) 2/24/2005 House: VOTE: ADOPTION (89-Y 9-N)	2/7/2005
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Oppose (053282380)

Summary: Makes numerous changes to the existing law on the use of cash proffers by localities, including amendments that provide that any locality accepting a cash payment voluntarily proffered on or after July 1, 2005, pursuant to § 15.2-2298, 15.2-2303, or 15.2-2303.1 shall within seven years of receiving full payment of all cash proffers to be paid pursuant to an approved rezoning, begin construction, site work, engineering, surveying, right-of-way acquisition, or cause construction to begin, of the improvements for which the cash payment was proffered. A locality that does not undertake one of these actions with respect to an improvement for which the cash payments were proffered within seven years of receipt of the final proffered cash payment to be paid pursuant to a rezoning shall pay the amount of those proffered cash payments to the Commonwealth Transportation Board for allocation to the appropriate construction program. Unless prohibited by the proffer agreement between the owner and the locality, a locality may utilize any proffered funds in excess of funds needed for the proffered purpose in order to construct other improvements within the locality similar to and in the vicinity of those for which the cash payments were proffered.

Bills	General Assembly Actions	Date of BOS Position
<p><u>SB 873</u> - Cuccinelli, II (37) Law-enforcement employees; overtime compensation.</p>	<p>2/1/2005 Senate: Reported from Local Government (7-Y 6-N) 2/8/2005 Senate: VOTE: PASSAGE (25-Y 15-N) 2/17/2005 House: Reported from General Laws with amd (14-Y 6-N) 2/23/2005 House: VOTE: PASSAGE (90-Y 6-N) 2/24/2005 Senate: VOTE: CONCUR HOUSE AMENDMENT (39-Y 0-N)</p>	<p>2/7/2005</p>
<p>Oppose (052909720) - Impact of \$750,000 - \$1 million depending on method of implementation. Summary: Expands the current overtime compensation provisions for fire protection employees to law-enforcement employees. Under the bill certain law-enforcement employees shall be required to be paid overtime at a rate of not less than one and one-half times the employee's regular rate of pay for all hours of work between the statutory maximum permitted under 29 U.S.C. 207 (k) and the hours for which an employee receives his salary, or if paid on an hourly basis, the hours for which the employee receives hourly compensation. A law-enforcement employee who is paid on an hourly basis shall have paid leave counted as hours of work in an amount no greater than the numbers of hours counted for other law-enforcement employees working the same schedule who are paid on a salaried basis in that jurisdiction. For purposes of computing law-enforcement employees' entitlement to overtime compensation for regularly scheduled work hours, all hours in which an employee works or is in a paid status shall be counted as hours of work.</p>		
<p><u>SB 894</u> - Howell (32) Social services, local departments of; grievance procedures.</p>	<p>1/14/2005 Senate: Reported from R. & S. S. w/amendment (14-Y 0-N) 1/19/2005 Senate: VOTE: PASSAGE R (40-Y 0-N) 2/15/2005 House: Reported from H. W. I. w/amendments (22-Y 0-N) 2/17/2005 House: Passed House with amendments BLOCK VOTE (97-Y 0-N) 2/21/2005 Senate: VOTE: CONCUR HOUSE AMENDMENT (40-Y 0-N)</p>	<p>1/24/2005</p>
<p>Amend (051376744) - Amend to delete grievance protection for department director. Summary: Requires a local social service department to adopt a grievance procedure that is either (i) adopted by the locality, (ii) approved by the State Board of Social Services, or (iii) consistent with the state grievance procedure.</p>		

Bills	General Assembly Actions	Date of BOS Position
<p><u>SB 1143</u> - Hanger, Jr. (24) Illegal aliens; eligibility for state and local public benefits.</p>	<p>2/2/2005 Senate: Reported from General Laws with sub (12-Y 3-N) 2/8/2005 Senate: VOTE: PASSAGE (28-Y 12-N) 2/8/2005 Senate: VOTE: PASSAGE (29-Y 11-N) 2/8/2005 Senate: VOTE: RECONSIDER (40-Y 0-N) 2/17/2005 House: Reported from General Laws with sub (19-Y 1-N) 2/22/2005 House: VOTE: PASSAGE #2 (78-Y 19-N) 2/22/2005 House: VOTE: PASSAGE (81-Y 17-N) 2/23/2005 Senate: VOTE: CONCUR HOUSE AMENDMENT (0-Y 38-N) 2/24/2005 Senate: VOTE: ACCEDE CONF. COMM. (40-Y 0-N) 2/26/2005 House: VOTE: ADOPTION (85-Y 12-N) 2/26/2005 Senate: VOTE: CONF. COMMITTEE RPT. (39-Y 0-N)</p>	<p>[2/11/2005]</p>
<p>[Oppose] (053682732-S1) - Similar to HB 1798 (Albo) bill on benefits to immigrants. Summary: Provides that no person who is not a U.S. citizen or legally present in the United States is eligible for any state or local public benefits. The bill defines stat and local benefits, and sets forth a series of exceptions to this eligibility rule. The bill also requires applicants for state or local assistance to provide proof of being in the United States legally and establishes a process for temporary receipt of benefits when applicants cannot provide such proof. In addition, the bill has a delayed effective date of January 1, 2006 and requires affected state agencies to cooperate with agencies of local government to develop a system to facilitate verification of legal presence.</p>		
<p><u>SB 1206</u> - Mims (33) Affordable housing; localities prohibited from requesting or receiving contributions.</p>	<p>2/1/2005 Senate: Reported from Local Government w/sub (8-Y 7-N) 2/7/2005 Senate: VOTE: RECONSIDER (40-Y 0-N) 2/8/2005 Senate: VOTE: PASSAGE (24-Y 16-N) 2/18/2005 House: Stricken at request of Patron in C. C. T. (22-Y 0-N)</p>	<p>1/24/2005 [2/11/2005]</p>
<p>(052775772-S1) - Continue to oppose efforts that adversely impact affordable housing in the region. Similar to HB 2167. Oppose Unless Amended (053277772) — Oppose unless amended to delete the comprehensive plan portion of the bill and to provide that contributions to affordable housing may continue to be received pursuant to a rezoning proffer. Summary: Provides that notwithstanding any other provision of law, a locality shall adopt or implement an affordable housing program after January 1, 2005, that provides for a developer to pay a contribution as a part of approval using a (i) special exception, (ii) special use permit, (iii) site plan or (iv) subdivision process. However, localities may do so through bonus density. The bill does not apply to not-for-profit developers. The provisions expire on July 1, 2006.</p>		

Bold – Indicates BOS formal action

[] Indicates BOS Legislative Committee Action

Bills	General Assembly Actions	Date of BOS Position
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SB 1235 - Quayle (13) Retail Sales and Use Tax; increased, creates Water Quality Improvement Restricted Use Fund.	2/2/2005 Senate: Reported from Finance with substitute (15-Y 0-N) 2/7/2005 Senate: VOTE: PASSAGE (40-Y 0-N) 2/16/2005 House: Reported from A., C. & N. R. w/substitute (22-Y 0-N) 2/18/2005 House: Passed House with substitute BLOCK VOTE (97-Y 0-N) 2/22/2005 Senate: VOTE: CONCUR HOUSE AMENDMENT (1-Y 39-N) 2/24/2005 Senate: VOTE: ACCEDE CONF. COMM. (40-Y 0-N) 2/26/2005 House: VOTE: ADOPTION (97-Y 0-N) 2/26/2005 Senate: VOTE: CONF. COMMITTEE RPT. (40-Y 0-N)	[2/11/2005]
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[Amend] (052983800-S1) - Amend to better protect County's efforts to clean-up Chesapeake Bay; both bills' criteria and formulae provide minimal funds to Fairfax County, especially the Senate bill. Similar to HB 2777 (Louderback) and SB 810 (Williams).

Summary: Deposits \$50 million from the general fund into the Water Improvement Quality Fund on July 15, 2005. These moneys are to be used solely to finance the costs of design and installation of biological nutrient removal facilities or other nutrient removal technology at publicly owned sewage systems. The amount of financing available to the treatment facility will depend on the financial need of the community, to be determined by comparing the annual sewer charges expended within the service area to the reasonable sewer costs established for the community. In addition, the moneys currently used to capitalize the Fund, 10 percent of the general fund surplus and 10 percent of the unreserved general fund balance, will be distributed in a different manner than is currently the case. Seventy percent of these moneys are to be used for implementing best management practices to reduce nitrogen and phosphorous nonpoint source pollution and 30 percent will be disbursed for designing and installing state-of-the-art nutrient removal technologies for publicly owned treatment works that are designated as significant discharges.

Bills	General Assembly Actions	Date of BOS Position
SB 1306 - Mims (33) Architects, Engineers, Surveyors and Landscape Architects, Board for; licensure.	2/2/2005 Senate: Reported from General Laws with sub (15-Y 0-N) 2/7/2005 Senate: VOTE: PASSAGE R (40-Y 0-N) 2/17/2005 House: Reported from General Laws (21-Y 0-N) 2/22/2005 House: Passed House BLOCK VOTE (98-Y 0-N)	2/7/2005
<p>STAFF RECOM.: Monitor - Bill has been amended to address County's concerns. Similar to HB 2863 (Bryant). Amend (055278772) — Amend to allow contours and property lines to be depicted on GIS systems with appropriate disclaimers and provided such GIS documents can not be used to obtain formal development approvals.</p> <p>Summary: Provides an exemption from licensure as a land surveyor for persons utilizing photogrammetric methods or similar remote sensing technology to determine topography, contours, or depiction of physical improvements provided such determination shall not be used for the design, modification, or construction of improvements to real property, or for flood plain determination. The bill authorizes the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects to adopt regulations establishing different licensure requirements for a limited area of the practice of land surveying for persons who determine topography, contours or depiction of physical improvements utilizing photogrammetric methods or similar remote sensing technology and who are not otherwise exempt. Any such requirements shall include reasonable provisions for licensure without examination of persons deemed by the Board to be qualified to provide photogrammetric and remote sensing surveying services.</p>		
SJ 376 - Houck (17) Nonprofit organizations; Housing Comm. to study exemption of those that construct low-income housing	2/4/2005 Senate: Reported from Rules with amendment 2/8/2005 Senate: Agreed to by Senate by voice vote 2/16/2005 House: Reported from Rules (16-Y 0-N) 2/24/2005 House: VOTE: ADOPTION (76-Y 20-N)	2/7/2005
<p>Oppose (052692740)</p> <p>Summary: Directs the Virginia Housing Commission to study the feasibility of exempting nonprofit organizations that construct housing for low-income persons from zoning provisions that limit how and when property may be subdivided into individual lots.</p>		

Fairfax County Positions
(Support or Monitor)

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Active Legislation

Bills	General Assembly Actions	Date of BOS Position
<p>HB 1877 - McDougale (97) Graffiti ordinance; mandatory minimum fine and jail.</p>	<p>1/31/2005 House: Reported from C. J. with substitute (22-Y 0-N) 2/4/2005 House: VOTE: BLOCK VOTE PASSAGE (95-Y 0-N) 2/4/2005 House: VOTE: BLOCK VOTE PASSAGE (96-Y 0-N) 2/15/2005 Senate: Reported from Local Government (15-Y 0-N) 2/18/2005 Senate: VOTE: PASSAGE R (37-Y 0-N) 2/18/2005 Senate: VOTE: PASSAGE R (38-Y 0-N) 2/18/2005 Senate: VOTE: RECONSIDER R (38-Y 0-N)</p>	<p>2/7/2005</p>
<p>Support (055338408) Summary: Amends local graffiti ordinance provisions to require that any violation carry a mandatory minimum fine of \$500, where the defacement is more than (i) 20 feet off the ground, (ii) the defacement is gang-related, or (iii) is on an overpass. The bill also provides for cleaning of graffiti by a locality at its own expense.</p>		
<p>HB 2159 - Reese (67) Zoning appeals, boards of; changes in provisions.</p>	<p>2/4/2005 House: Reported from C. C. T. with sub (22-Y 0-N) 2/8/2005 House: VOTE: BLOCK VOTE PASSAGE (98-Y 0-N) 2/15/2005 Senate: Reported from Local Government (14-Y 1-N) 2/18/2005 Senate: VOTE: PASSAGE (36-Y 2-N)</p>	<p>2/7/2005</p>
<p>Monitor (051240484) - Substitute bill for HB 2159 as introduced, incorporates HB 2152. Similar to SB 1086. Summary: Rewrites the criteria for instances in which a zoning ordinance may allow a zoning administrator to grant a modification, currently referred to as a variance, to certain zoning ordinance requirements related to the size, height, location or features of any building on the parcel of land.</p>		

Bills	General Assembly Actions	Date of BOS Position
HB 2217 - Albo (42) Gangs; punishment for activity taking place in school, etc., penalty.	2/2/2005 House: Reported from C. J. with substitute (19-Y 0-N) 2/3/2005 House: Reported from Appropriations with sub (20-Y 0-N) 2/8/2005 House: VOTE: BLOCK VOTE PASSAGE (98-Y 0-N) 2/14/2005 Senate: Reported from Courts of Justice w/sub (14-Y 0-N) 2/16/2005 Senate: VOTE: PASSAGE R (40-Y 0-N) 2/18/2005 House: VOTE: ADOPTION (97-Y 0-N)	1/24/2005
<p>Support w/ Amend. (057996104) - Support and amend to add public parks and to make brandishing of a machete a predicate criminal act. Note: Bill was amended to pertain only to schools and school zones. Similar to SB 1217 (Mims).</p> <p>Summary: Adds to the list of crimes defined as "predicate criminal act" the following: § 18.2-42, assault by mob; § 18.2-56.1, reckless handling of a firearm; § 18.2-59, extorting money; § 18.2-95, grand larceny; § 18.2-286.1, shooting from a motor vehicle; § 18.2-287.4, carrying a loaded firearm in public areas in certain localities; and § 18.2-308.1, possession of a firearm, stun weapon or taser on school property. In addition, the bill provides that "predicate criminal act" includes the violation of any offense substantially similar to these newly added crimes as well as the existing listed crimes when committed in another state or territory of the United States, the District of Columbia, or the United States. The bill provides enhanced punishments for gang activities taking place at or near schools, colleges, school buses, school bus stops, recreation centers, public libraries, and state hospitals. Also, it makes it a Class 1 misdemeanor for an attorney or other person to disclose to a defendant charged with a violation of § 18.2-46.2, 18.2-46.3, or 18.2-46.3:3 the address, telephone number or place of employment of a victim or witness to a defendant, unless specifically permitted to do so by the court after a hearing and a showing of good cause. Finally the bill treats criminal street gangs as public nuisances and allows for the enjoinder of such nuisances.</p>		
HB 2381 - Hall (69) Community development authorities; removes population and tract size limits for counties.	2/4/2005 House: Reported from C. C. T. with sub (22-Y 0-N) 2/8/2005 House: VOTE: BLOCK VOTE PASSAGE (98-Y 0-N) 2/21/2005 Senate: Reported from Local Government (15-Y 0-N) 2/23/2005 Senate: VOTE: PASSAGE R (38-Y 0-N)	2/7/2005
<p>Support w/ Amend. (057260312) - Support with amendment to authorize community development authorities to acquire land and to use Community Development Authority funds to pay for it. Note: Amendments were made that address the Board's concerns.</p> <p>Summary: Removes population and tract size limitations for counties that want to establish a community development authority. No such limitations currently exist for cities and towns. Also, authorities are given powers related to this financing and funding of land acquisition.</p>		

Bills	General Assembly Actions	Date of BOS Position
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<u>HB 2512</u> - Hamilton (93) Assisted living facilities; requires administrators to be licensed.	1/27/2005 House: Reported from H. W. I. w/substitute (22-Y 0-N) 2/2/2005 House: Reported from Appropriations with sub (24-Y 0-N) 2/7/2005 House: VOTE: PASSAGE (95-Y 1-N 1-A) 2/11/2005 Senate: Reported from R. & S. S. w/substitute (14-Y 0-N) 2/15/2005 Senate: VOTE: PASSAGE R (39-Y 0-N) 2/17/2005 House: VOTE: ADOPTION (96-Y 0-N 1-A)	2/7/2005
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Support (051994316-H1) - Position included in Program.

Summary: Requires administrators of assisted living facilities to be licensed by the Board of Long-Term Care Administrators within the Department of Health Professions. The bill renames the Board of Nursing Home Administrators as the Board of Long-Term Care Administrators. The licensing provisions shall not take effect until July 1, 2007. The Board of Long-Term Care Administrators shall submit the proposed criteria for licensing assisted living facility administrators to the chairmen of the House Committee on Health, Welfare and Institutions, Senate Committee on Education and Health, and Joint Commission on Health Care on or before January 1, 2006. The bill permits the Commissioner to issue an order of summary suspension of a license to operate an assisted living facility and adult day care center in cases of immediate and substantial threat to the health, safety, and welfare of residents or participants. The bill increases the maximum civil penalties for assisted living facilities from \$500 to \$10,000 per inspection and directs that the civil penalties be paid to the newly created Assisted Living Facility Education and Technical Assistance Fund to provide education for staff of and technical assistance to assisted living facilities.

<u>HB 2734</u> - McQuigg (51) Gangs; reporting organized criminal activity and membership.	2/4/2005 House: Reported from C. J. with substitute (19-Y 0-N) 2/8/2005 House: VOTE: BLOCK VOTE PASSAGE (98-Y 0-N) 2/14/2005 Senate: Reported from Courts of Justice (14-Y 0-N) 2/16/2005 Senate: VOTE: PASSAGE R (40-Y 0-N)	[2/11/2005]
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[Support] (055545412-H1)

Summary: Repeals a provision relating specifically to reporting of organized youth gang activity, and creates a general law-enforcement reporting requirement of all gang activity to the Organized Criminal Gang File in the Virginia Criminal Information Network and the Violent Criminal Gang File of the National Crime Network Center maintained by the Federal Bureau of Investigation. The bill also contains technical amendments.

Bills	General Assembly Actions	Date of BOS Position
HB 2741 - Reid (72) Populated areas; prohibits shooting of arrows from bows.	1/28/2005 House: Reported from C. C. T. with amendments (21-Y 1-N) 2/2/2005 House: VOTE: PASSAGE (93-Y 3-N) 2/21/2005 Senate: Reported from Local Government w/sub (15-Y 0-N) 2/23/2005 Senate: VOTE: PASSAGE R (38-Y 0-N) 2/24/2005 House: VOTE: ADOPTION (94-Y 3-N)	1/24/2005
Support (053264488) Summary: Adds the outdoor shooting of arrows from bows to existing provisions that allow counties to prohibit the shooting of firearms in heavily populated areas. Bows intended to be used as toys are excluded from the provisions.		
HB 2746 - Ware, Jr. (65) Retirement System; liability protection for governing body of any county, city, or town.	1/31/2005 House: Reported from Appropriations (24-Y 0-N) 2/4/2005 House: VOTE: BLOCK VOTE PASSAGE (95-Y 0-N) 2/4/2005 House: VOTE: BLOCK VOTE PASSAGE (96-Y 0-N) 2/9/2005 Senate: Reported from Finance (14-Y 0-N) 2/11/2005 Senate: VOTE: PASSAGE R (39-Y 0-N)	1/24/2005
Support (059874540) Summary: Liability protection for the governing body of any county, city or town that establishes a retirement system		
HJ 573 - Albo (42) Gangs; Crime Commission to study criminal street conduct and characterist. to produce list of names.	2/3/2005 House: Reported from Rules (16-Y 0-N) 2/5/2005 House: VOTE: BLOCK VOTE PASSAGE (96-Y 0-N) 2/18/2005 Senate: Reported from Rules 2/24/2005 Senate: Agreed to by Senate by voice vote	2/7/2005
Support (057202204) Summary: Directs the Virginia State Crime Commission to study criminal street gang conduct and characteristics for the purpose of reducing the burden on prosecutors by producing a formal listing of gang names coupled with conduct and characteristics unique to those gangs.		

Bills	General Assembly Actions	Date of BOS Position
HJ 713 - Byron (22) Study; workforce development and training; report.	2/3/2005 House: Reported from Rules with substitute (16-Y 0-N) 2/5/2005 House: VOTE: BLOCK VOTE PASSAGE (96-Y 0-N) 2/18/2005 Senate: Reported from Rules 2/24/2005 Senate: Agreed to by Senate by voice vote	[2/11/2005]
[Monitor] (050433256-H1) - Endorsed by the Northern Virginia Workforce Investment Board. Summary: Establishes a joint subcommittee to study the need for greater consolidation or coordination of the workforce development and training resources available in the Commonwealth.		
SB 1080 - Ticer (30) Campaign finance disclosure; special reports of contributions rec'd by member's campaign comm.	1/25/2005 Senate: Reported from P. & E. with substitute (13-Y 0-N) 1/31/2005 Senate: VOTE: PASSAGE (40-Y 0-N) 2/18/2005 House: Reported from Privileges and Elections (20-Y 0-N) 2/22/2005 House: VOTE: BLOCK VOTE PASSAGE (98-Y 0-N)	1/24/2005
Support (056056828) Summary: Requires the reporting of any single contribution of \$500 or more made to a governing body member in a non-election year to be filed with the local electoral board by the end of the fifteenth business day, rather than the fifth business day, after receipt, and eliminates provisions on aggregating contributions.		
SB 1086 - Ticer (30) Zoning appeals, boards of; changes in provisions.	2/1/2005 Senate: Reported from Local Government w/sub (15-Y 0-N) 2/7/2005 Senate: VOTE: PASSAGE R (40-Y 0-N) 2/18/2005 House: Reported from C. C. T. with sub (22-Y 0-N) 2/22/2005 House: VOTE: BLOCK VOTE PASSAGE (98-Y 0-N) 2/23/2005 Senate: VOTE: CONCUR HOUSE AMENDMENT (38-Y 0-N)	1/24/2005 [2/11/2005]
[Monitor] (051761828-S1) - Similar to the substitute version of HB 2159. Oppose (053263828) Summary: Amends current variance provisions by authorizing zone administrators to grant modifications from zoning ordinance provisions with respect to physical requirements, such as size, height, location or other features related to any building, structure, or improvements where authorized by the zoning ordinance. The bill contains provisions regarding the issuance of modifications and appeals from denials of modification requests. The bill also replaces population brackets with specific localities.		

Bills	General Assembly Actions	Date of BOS Position
<p><u>SB 1183</u> - Hanger, Jr. (24) Assisted living facilities; licensing requirements, increases maximum civil penalty, report.</p>	<p>1/28/2005 Senate: Rereferred to Finance 1/28/2005 Senate: Reported from R. & S. S. w/substitute (15-Y 0-N) 2/2/2005 Senate: Reported from Finance (12-Y 0-N) 2/7/2005 Senate: VOTE: PASSAGE R (40-Y 0-N) 2/15/2005 House: Reported from H. W. I. w/substitute (22-Y 0-N) 2/17/2005 House: VOTE: PASSAGE (95-Y 0-N 1-A) 2/21/2005 Senate: VOTE: CONCUR HOUSE AMENDMENT (39-Y 0-N)</p>	<p>2/7/2005</p>
<p>Support (051986732-S1) - Position included in Program. Summary: Requires administrators of assisted living facilities to be licensed by the Board of Long-Term Care Administrators within the Department of Health Professions. The bill permits the Commissioner to issue an order of summary suspension of a license to operate an assisted living facility and adult day care center in cases of immediate and substantial threat to the health, safety, and welfare of residents or participants. The bill increases the maximum civil penalties for assisted living facilities from \$500 to \$10,000 per inspection and directs that the civil penalties be paid to the newly created Assisted Living Facility Education and Technical Assistance Fund to provide education for staff of and technical assistance to assisted living facilities. The bill establishes new procedures for medication management and adds new provisions regarding residents with MH/MR/SA needs.</p>		
<p><u>SB 1217</u> - Mims (33) Gangs; punishment for activity taking place in school, etc., penalty.</p>	<p>1/26/2005 Senate: Rep. from C. J. w/amds (14-Y 0-N) 1/26/2005 Senate: Rereferred to Finance 2/2/2005 Senate: Rep. from Finance w/ sub. (15-Y 0-N) 2/7/2005 Senate: VOTE: PASSAGE R (40-Y 0-N) 2/18/2005 House: Rep. from C. J. w/ sub. (22-Y 0-N) 2/23/2005 House: Passed House with substitute BLOCK VOTE (98-Y 0-N) 2/24/2005 Senate: VOTE: CONCUR HOUSE AMENDMENT (40-Y 0-N)</p>	<p>1/24/2005</p>
<p>Support w/ Amend. (057997104) - Support and amend to add public parks. Note: Bill was amended to pertain only to schools and school zones. Similar to HB 2217 (Albo). Summary: Adds to the list of crimes defined as "predicate criminal act" the following: § 18.2-42, assault by mob; § 18.2-56.1, reckless handling of a firearm; § 18.2-59, extorting money; § 18.2-286.1, shooting from a motor vehicle; § 18.2-287.4, carrying a loaded firearm in public areas in certain localities; and § 18.2-308.1, possession of a firearm, stun weapon or taser on school property. In addition, the bill provides that "predicate criminal act" includes the violation of any offense substantially similar to these newly added crimes as well as the existing listed crimes when committed in another state or territory of the United States, the District of Columbia, or the United States. The bill provides enhanced punishments for gang activities taking place at or near schools, colleges and school buses. Finally, the bill treats criminal street gangs as public nuisances and allows for the enjoinder of such nuisance.</p>		

Bold – Indicates BOS formal action

[] Indicates BOS Legislative Committee Action

Fairfax County Positions

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Legislation To Be Studied

(Studies, Resolutions, Letters, etc.)

Bills	General Assembly Actions	Date of BOS Position
<u>HB 1800</u> - Albo (42) Capital murder by members of criminal gangs; penalty.	1/31/2005 House: Rep. from C. J. w/ amend. (21-Y 0-N) 2/4/2005 House: VOTE: PASSAGE (91-Y 5-N) 2/14/2005 Senate: Passed by in C. J. w/ letter (14-Y 0-N)	1/24/2005
Support (058888204) Summary: Provides that the willful, deliberate, and premeditated killing of any person by another pursuant to a membership requirement of, or at the direction or order of a member of, a criminal street gang as criminal street gang is defined in § 18.2-46.1 is capital murder.		
<u>HB 2087</u> - Shannon (35) Gangs and criminal organizations; provides that State Police shall publish a list.	2/4/2005 House: Passed by in C. J. with letter (20-Y 0-N)	2/7/2005
Monitor (056253502) Summary: Provides that the State Police shall publish a list of known youth gangs, criminal street gangs, and other criminal organizations identified by location, size, age and race of membership; unique clothing; unique hand signs; unique practices; and any other identifying characteristics that would enable a court to take judicial notice of the existence thereof for the purposes of prosecution of an individual member.		
<u>HB 2534</u> - Ingram (62) Video Infrastructure Development and Competition Act of 2005; created.	2/3/2005 House: Tabled in Commerce and Labor (17-Y 4-N)	2/7/2005
Amend (VERIZON-DRAFT) - Direction to staff to actively amend; staff to report back on bill at next Legislative Committee meeting. House bill and similar Senate bill, SB 1337 (Stosch), have been tabled by their respective committees to be studied. Summary: Seeks to encourage video infrastructure development and promote the public interest in lower prices and higher quality video services by equalizing franchise requirements for all competitors to use the public rights-of-way.		
<u>HB 2880</u> - Nixon, Jr. (27) Communications services; various revisions to taxation thereof.	2/2/2005 House: Rep. from Finance with sub (20-Y 2-N) 2/7/2005 House: VOTE: PASSAGE (90-Y 7-N) 2/15/2005 Senate: Reported from Finance with amendment (13-Y 0-N 1-A) 2/17/2005 Senate: VOTE: PASSAGE (39-Y 0-N 1-A) 2/21/2005 House: VOTE: ADOPTION (93-Y 5-N)	2/7/2005
Monitor (054551432) - Similar to SB 1335. Summary: Directs the APA to review and collect information in 2005 regarding certain local communications taxes and report to the chairmen of the House and Senate Finance Committees and the Department of Taxation no later than December 1, 2005.		

Bills	General Assembly Actions	Date of BOS Position
SB 973 - O'Brien (39) Electoral bds, gen. registrars, & staff; localities to provide civil serv. status & grievance procd.	2/8/2005 Senate: Left in Privileges and Elections	1/24/2005
Support Study (056907784) - Recommend study of the bill. Summary: Requires localities to provide civil service status and grievance procedures for staffs of electoral boards and registrars on a basis comparable to that provided to local employees.		
SB 1139 - Hanger, Jr. (24) Income tax, state and corporate; limits land preservation tax credits.	2/2/2005 Senate: Reported from Finance with substitute (15-Y 0-N) 2/7/2005 Senate: VOTE: PASSAGE (20-Y 19-N) 2/15/2005 House: Reported from Finance with sub (14-Y 0-N) 2/18/2005 House: VOTE: PASSAGE (85-Y 5-N) 2/18/2005 Senate: VOTE: ACCEDE CONF. COMM. (35-Y 0-N) 2/18/2005 Senate: VOTE: CONCUR HOUSE AMENDMENT (3-Y 32-N) 2/25/2005 House: VOTE: ADOPTION (89-Y 4-N) 2/25/2005 Senate: VOTE: CONF. COMMITTEE RPT. (39-Y 0-N)	[2/11/2005]
STAFF RECOM.: Monitor - Cap has been removed from SUBSTITUTE; issue to be studied during the year. [Oppose] (052975712-S1) - Cap too low for Northern Virginia. Summary: Provides an aggregate limit of \$600,000 in tax credit for each parcel of land donated under the Virginia Land Conservation Incentives Act of 1999, which includes the sale of unused credits. The bill applies to conveyances made on or after July 1, 2005.		
SB 1337 - Stosch (12) Video infrastructure development; equalizing franchise requirements for competitors.	2/7/2005 Senate: Left in Commerce and Labor	2/7/2005
Amend (VERIZON-DRAFT) - Direction to staff to actively amend; staff to report back on bill at next Legislative Committee meeting. Senate bill and similar House bill, HB 2534 (Ingram), have been tabled by their respective committees to be studied. Summary: Seeks to encourage video infrastructure development by equalizing franchise requirements for all competitors to use the public rights-of-way.		

Fairfax County Positions

* * *

Legislation No Longer Under Consideration

(Killed, Failed to Report, Tabled, etc.)

Bills	General Assembly Actions	Date of BOS Position
HB 1504 - Shuler (12) Business, professional and occupational licensing (BPOL) tax; license fees, rates and requirements.	1/19/2005 House: Tabled in Finance (22-Y 0-N)	1/24/2005
<p>Oppose (051059508) - Board has historically opposed. Estimated loss of \$16 million. Summary: Requires localities that impose the BPOL tax to (i) eliminate license fees by January 1, 2007, (ii) exempt the first \$100,000 of gross receipts from taxation by January 1, 2007, and (iii) reduce the several different rates currently in the Code to a flat rate of 20 cents per \$100 of gross receipts for license years beginning on and after January 1, 2006.</p>		
HB 1526 - Frederick (52) Noise abatement; policies of VDOT.	2/1/2005 House: Tabled in Transportation (21-Y 0-N)	1/24/2005
<p>Oppose (051121303) Summary: Provides that whenever (i) there is a conflict between published noise abatement policies of the Department and those published by the federal highway administration or other federal agencies under authority of the National Environmental Policy Act or any amendments thereto or (ii) the noise abatement policy of the Department is silent as to a situation or circumstance covered by a policy published by the federal highway administration or other federal agencies under authority of the National Environmental Policy Act or any amendments thereto, the provisions of the federal policy shall be controlling. The provisions of the bill apply to all highways and highway maintenance or construction projects, regardless of federal funding or the lack of such federal funding.</p>		
HB 1530 - Frederick (52) Income tax, state; credit for commuter parking lot.	1/19/2005 House: Reported from Finance with sub (20-Y 2-N) 1/26/2005 House: Rereferred to Finance 1/31/2005 House: Reported from Finance (20-Y 2-N) 2/3/2005 House: VOTE: PASSAGE (75-Y 21-N) 2/9/2005 Senate: Passed by indefinitely in Finance (13-Y 1-N)	1/24/2005
<p>Support (054535303) Summary: Provides a deduction for taxable years beginning on and after January 1, 2006, to owners of shopping centers and strip malls who contribute to the locality the right to use certain parking spaces as commuter parking. The amount of the annual deduction will not exceed \$50 per parking space. The governing body of the county, city or town in which the commuter parking spaces are located must develop a program based on guidelines established by the Department of Taxation.</p>		

Bills	General Assembly Actions	Date of BOS Position
HB 1636 - Cole (88) Motor Vehicle Sales & Use Tax; revenue from rental taxes deposited into Transportation Trust Fund.	1/31/2005 House: Tabled in Appropriations (24-Y 0-N)	1/24/2005
Oppose (059012272) Summary: Requires that all revenue from the state motor vehicle rental taxes be deposited into the Transportation Trust Fund and used solely for transportation purposes.		
HB 1662 - Lingamfelter (31) Medical or health services to minors; notification to parents.	1/18/2005 House: Tabled in H. W. I. (14-Y 7-N)	1/24/2005
Oppose (051497380) - Board opposed similar bill last year. Bill tabled by Health, Welfare and Institutions Committee. Summary: Requires any state or local government agency employee who provides services to a minor, relating to sexually transmitted diseases, the provision of emergency contraception, pregnancy, illegal drug use, and the contemplation of suicide to attempt notification, within two business days of delivery of such services, to a custodial parent, legal guardian or other person standing in loco parentis of any service and any reason, condition or diagnosis requiring such service.		
HB 1785 - BaCote (95) Firearms; localities may adopt an ordinance that prohibits any combination thereof in libraries.	1/21/2005 House: Passed by indefinitely in M., P.& P. S. (18-Y 2-N)	1/24/2005
Support (053257222) - PBI'd by House Militia, Police and Public Safety Committee. Summary: Provides that localities may adopt an ordinance that prohibits firearms, ammunition, or components or combination thereof, in libraries that are owned or operated by the locality.		
HB 1797 - Albo (42) Recreation facilities; fees.	2/4/2005 House: Tabled in Counties, Cities & Towns (22-Y 0-N)	2/7/2005
Oppose Unless Amended (058890204) - Oppose unless amended to include costs of operation and to preserve a locality's right to charge nonresidents a different fee than residents. Summary: Provides that localities shall not charge user fees that exceed an amount calculated to cover the costs of construction and maintenance of recreation facilities and the labor costs associated with the scheduling of activities.		

Bills	General Assembly Actions	Date of BOS Position
HB 1818 - Suit (81) Income tax, state and business; credit for bicyclists and their employers.	2/2/2005 House: Tabled in Finance (22-Y 0-N)	1/24/2005
Support (056107520) Summary: Creates two separate tax credits; one for employers and one for individuals. The tax credit for employers allows them to take a credit of up to \$5,000 for providing bicycle racks and showers in their place of business for use by employees who ride bikes to work. The tax credit for individuals provides a credit of \$15 per month for each month the individual rides his bike to and from work for at least 10 days of the month.		
HB 1855 - Eisenberg (47) Highway construction; VDOT required to follow certain actions if new project in Northern Virginia.	2/3/2005 House: Stricken at request of Patron in Tra. (20-Y 0-N)	2/7/2005
Oppose (059094301) Summary: Specifies actions that must be taken (i) by VDOT prior to undertaking any highway construction or reconstruction project in Northern Virginia if the project involves construction of new traffic lanes or modification of existing lanes (ii) by any state agency in connection with any highway construction or reconstruction project under the Public-Private Transportation Act of 1995.		
HB 1873 - McDougle (97) Graffiti violations; use of multijurisdiction grand jury.	1/28/2005 House: Stricken from docket by C. J. (19-Y 0-N)	2/7/2005
Support (055340408) Summary: Allows for the use of multijurisdiction grand jury to investigate graffiti violations.		
HB 2023 - Welch, III (21) Food and beverage tax; restrict new imposition in any city or town without approval by referendum.	1/19/2005 House: Reported from Finance with amd (17-Y 5-N) 1/25/2005 House: VOTE: REJECTED (63-Y 35-N) 1/25/2005 House: requires 67 affirmative votes for passage 1/27/2005 House: VOTE: DEFEATED (63-Y 34-N)	1/24/2005
Oppose (056154552) - Board has historically opposed similar bills. Summary: Restricts the imposition in any city or town having a population of 100,000 or more of any new meals tax or tax rate increase without approval by referendum.		

Bold – Indicates BOS formal action

[] Indicates BOS Legislative Committee Action

Bills	General Assembly Actions	Date of BOS Position
<u>HB 2066</u> - Rust (86) Income tax, state; repeals car tax reimbursement program.	2/2/2005 House: Tabled in Finance (22-Y 0-N)	2/7/2005
Support (053080492) Summary: Repeals the car tax reimbursement program and replaces it by dedicating 17.5 percent of the state individual income tax collections to localities. The bill is effective January 1, 2007, and only if a Constitutional amendment is ratified in November, 2006 exempting from taxation all motor vehicles used for nonbusiness purposes.		
<u>HB 2095</u> - Hugo (40) Traffic signals; extends sunset on use of photo- monitoring systems.	2/4/2005 House: Tabled in M., P. & P. S. (12-Y 9-N)	1/24/2005
Support (059657332) - Regional position included in Program. Summary: Postpones the July 1, 2005, "sunset" on local "photo-red" programs to July 1, 2007.		
<u>HB 2096</u> - Hugo (40) Direct recording electronic machines; moratorium on purchases.	2/4/2005 House: Stricken from docket by P. & E. (17-Y 0-N)	1/24/2005
Oppose (050303332) Summary: Prohibits localities from purchasing any direct recording electronic machines from the effective date of the act to January 1, 2006, unless the joint subcommittee established by House Joint Resolution No. 174 adopted by the General Assembly at the 2004 Regular Session approves the purchase. Emergency.		
<u>HB 2097</u> - Hugo (40) Aggrieved party or person; definition as used throughout Code.	1/21/2005 House: Stricken from docket by C. J. (20-Y 0-N)	2/7/2005
Monitor (050424332) - Board has historically opposed; monitor such legislation in the future. Summary: Confers associational standing in Virginia as articulated in Hunt v. Washington Apple Advertising Commission, 432 U.S. 333 (1977). Virginia currently follows the common law rule that the person seeking standing must have an immediate, pecuniary, and substantial interest in the litigation, and not a remote or indirect interest. Unlike federal law, the injury to an individual of an association does not vest in the association.		

Bills	General Assembly Actions	Date of BOS Position
HB 2099 - Hugo (40) Transportation Investment Bond Act of 2005; created.	2/1/2005 House: Reported from Tra. w/sub (20-Y 0-N) 2/2/2005 House: Incorporated by App. (HB2771-Callahan)	2/7/2005
<p>Support (053040332) Summary: Provides long-term funding of transportation projects throughout the Commonwealth by dedicating all insurance license tax revenues for such purpose. The Commonwealth Transportation Board is authorized to issue revenue bonds using no more than one-third of the insurance license tax revenues for debt service on the bonds. The amount of insurance license tax revenues not used for debt service, plus the proceeds of the bonds, are allocated to each highway construction district for transportation projects on a pro rata basis according to population. The transportation projects to be funded shall be determined by the Commonwealth Transportation Board.</p>		
HB 2104 - McQuigg (51) Long-term care; preadmission screenings.	1/18/2005 House: Reported from H. W. I. w/amendment (22-Y 0-N) 1/21/2005 House: VOTE: PASSAGE (95-Y 0-N 1-A) 2/17/2005 Senate: Stricken at request of patron in Ed. & Health (14-Y 0-N)	[2/11/2005]
<p>[Support w/ Amend.] (051378412-E) - Support with amendment that would provide that only the local agency designated by the Virginia Department for the Aging may not participate in screenings in which they could become the service provider. Summary: Provides that nurses, social workers, and physicians who are employees of a local area agency on aging may be part of the team to conduct Medicaid nursing home preadmission screenings. Employees of the Department of Health, the local department of social services or local area agency on aging may not participate in screenings in which they could become the service provider.</p>		
HB 2152 - Amundson (44) Zoning appeals, boards of; changes in provisions.	1/28/2005 House: Reported from C. C. T. with sub (22-Y 0-N) 2/1/2005 House: Rereferred to Counties, Cities and Towns 2/4/2005 House: Incorporated in C.C.T. (HB2159-Reese) (22-Y 0-N)	2/7/2005 1/24/2005
<p>Monitor (051750212-H1) - Bill incorporated into substitute version of HB 2159. Oppose (051203212) Summary: Rewrites the criteria for instances in which a local zoning ordinance may allow a zoning administrator to grant modifications to certain zoning ordinance requirements.</p>		

Bills	General Assembly Actions	Date of BOS Position
HB 2157 - Nutter (7) School property; allows school boards to deem as surplus property.	2/1/2005 House: Stricken from docket by General Laws (22-Y 0-N)	2/7/2005
<p>Support w/ Amend. (058936436) - Support with amendment to require the School Board to declare property surplus before it must be conveyed to the governing body.</p> <p>Summary: Amends the current surplus property procedures to require school boards to transfer real property that, for a period of six months, has been vacant or is no longer used for educational purposes directly to the relevant local governing body. The property is automatically deemed surplus property upon expiration of the six-month period.</p>		
HB 2167 - Reese (67) Affordable housing; localities prohibited from requesting or receiving contributions.	2/4/2005 House: Reported from C. C. T. with sub (18-Y 4-N) 2/8/2005 House: VOTE: PASSAGE (73-Y 24-N) 2/15/2005 Senate: Stricken at request of Patron in L.G. (15-Y 0-N)	2/7/2005 1/24/2005
<p>Monitor (SUBSTITUTE) - Bill has been amended to address County concerns; however, the County continues to oppose efforts that adversely impact affordable housing. Similar to SB 1206 (Mims).</p> <p>Oppose Unless Amended (059065484) - Oppose unless amended to delete the comprehensive plan portion of the bill and to provide that contributions to affordable housing may continue to be received pursuant to a rezoning proffer.</p> <p>Summary: Provides that notwithstanding any other provision of law, no locality may adopt an affordable housing program, or implement an existing program, after January 1, 2005, pursuant to §§ 15.2-2304 or 15.2-2305, or as part of a comprehensive plan pursuant to § 15.2-2223, that provides that a developer pay an affordable housing contribution as part of an approval using a (i) special exception, (ii) special use permit, (iii) site plan or (iv) subdivision process. The bill does not apply to not-for-profit developers.</p>		
HB 2276 - Oder (94) Retail petroleum products sales facility; required by ordinance to remove and restore site.	2/4/2005 House: Stricken from docket by C. C. T. (22-Y 0-N)	2/7/2005
<p>Support (052103444) - Similar to SB 1199.</p> <p>Summary: Authorizes any locality to provide by ordinance that the owner of improvements at a motor fuels retail facility, within three years after the premises cease to be used as such a facility, shall remove all improvements and grade the surface, and thereafter shall maintain the surface in a natural or vegetated state until another use is established on the site.</p>		

Bold – Indicates BOS formal action

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Bills	General Assembly Actions	Date of BOS Position
HB 2350 - Marshall (13) Abortion clinics; subject to provisions of Consumer Protection Act, prohibited acts and practices.	1/27/2005 House: Referred to Committee for Courts of Justice 2/4/2005 House: Tabled in Courts of Justice (19-Y 1-N)	2/7/2005
Oppose (054110396) Summary: Provides that abortion services are consumer transactions subject to the provisions of the Virginia Consumer Protection Act, and declares that the performance of an abortion under specified circumstances is unlawful. Prohibited acts or practices include performing abortions at facilities that do not comply with requirements relating to facility cleanliness, sterilization, fire protection, evacuation, staff credentials, equipment, maintenance of facilities and equipment, and allowable procedures, and facility procedures and policies.		
HB 2354 - Hull (38) Local government taxing authority;equalizing county and city powers.	2/2/2005 House: Passed by indefinitely in Finance (16-Y 4-N)	1/24/2005
Support (059869336) - Board has historically supported. Summary: Eliminates the express prohibition that keeps county governments from exercising certain powers generally provided to cities and towns, and specifically grants counties the power generally exercised by cities and towns to impose those taxes that are not prohibited by state law.		
HB 2453 - Suit (81) Real estate assessments; consideration of federal or state restrictions.	2/2/2005 House: Tabled in Finance (22-Y 0-N)	1/24/2005
Oppose (056098520) Summary: Provides that (i) certain federal or state restrictions on real property be considered in determining the fair market value and the capitalization rate for the real property, and (ii) federal and state income tax credits with respect to real property shall not be considered real property or income attributable to real property.		

Bills	General Assembly Actions	Date of BOS Position
<u>HB 2517</u> - O'Bannon, III (73) Grafitti; felony for permanent damage, penalty.	1/28/2005 House: Tabled in Courts of Justice (17-Y 2-N)	1/24/2005
Support (059051312) Summary: Creates a Class 6 felony for destroying, defacing, or damaging property if the damage to the property is permanent, irrespective of value.		
<u>HB 2585</u> - Cosgrove (78) Procurement Act, Public; preferences for road construction firms.	2/1/2005 House: Tabled in General Laws (22-Y 0-N)	2/7/2005
Monitor (053623276) Summary: Provides that in awarding contracts for road construction where the amount of the contract is in excess of \$500,000, the Virginia Department of Transportation (VDOT) shall give consideration to the beneficial effect of the award on Virginia's economy. As stated in the terms and conditions of the solicitation, VDOT shall award a three percent preference to any road construction firm or corporation with facilities located in Virginia.		
<u>HB 2626</u> - Byron (22) Business Assistance and Workforce Services, Department of; created.	2/1/2005 House: Rep. from C. & L. w/ sub. (21-Y 0-N) 2/5/2005 House: VOTE: BLOCK VOTE PASSAGE (96-Y 0-N) 2/21/2005 Senate: Failed to report (defeated) in C. & L. (5-Y 8-N 2-A)	[2/11/2005]
[Support] (054214256-H1) - Endorsed by the Northern Virginia Workforce Investment Board. Summary: Transfers responsibility for administering the workforce training programs under Title I of the Workforce Investment Act from the Virginia Employment Commission to the Department of Business Assistance, which is renamed the Department of Business Assistance and Workforce Services. The local program delivery structure remains intact while planning, funding, and reporting activities will be coordinated at the state level.		
<u>HB 2684</u> - Lingamfelter (31) Fire Prevention Code; regulations concerning possession, handling, etc. or use of firearms.	2/1/2005 House: Tabled in General Laws (22-Y 0-N)	1/24/2005
Oppose (055026380) Summary: Provides that local governments may not adopt regulations more stringent than the state Fire Prevention Code that would affect the possession, transportation, handling, storage, sale, or use of firearms or small arms ammunition, including smokeless powder, black powder, and primers.		

Bold – Indicates BOS formal action

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Bills	General Assembly Actions	Date of BOS Position
<u>HB 2698</u> - Sickles (43) Truck parking; allows Fairfax County and towns within its boundaries to limit.	2/1/2005 House: Failed to report (defeated) in Tra. (8-Y 9-N)	1/24/2005
<p>Support (059180510) - Board has historically supported.</p> <p>Summary: Authorizes Fairfax County and the towns within its boundaries to limit the parking of trucks with gross vehicle weight ratings between 8,000 and 12,000 pounds to one such vehicle per dwelling, provided that such vehicle is registered to an address on a street located within the residential district.</p>		
<u>HB 2728</u> - Scott (53) Campaign finance disclosure; candidates/incumbents for local office to report large contributions.	2/4/2005 House: Stricken from docket by P. & E. (17-Y 0-N)	1/24/2005
<p>Support (050259500) - Similar to SB 1080 (Ticer).</p> <p>Summary: Changes the deadline for filing the required reports to the end of the fifteenth, rather than fifth, day following receipt of the contribution. The bill also clarifies rules applicable to reporting aggregations of contributions.</p>		
<u>HB 2742</u> - Reid (72) Clean Smokestack Act; created, report.	2/2/2005 House: Tabled in Agri., Chesapeake and Natural Res. (17-Y 5-N)	1/24/2005
<p>Support (052087488) - Position included in Program.</p> <p>Summary: Establishes maximum limits for sulfur dioxide and nitrogen oxide emissions that are allowed to be released into the atmosphere from facilities with coal-fired electric generating units that produce at least 25 megawatts of electricity. These limits go into effect on May 1, 2011. Facilities located within 1,000 feet of an occupied dwelling or body of water must complete a refined modeling analysis to assess the effects of emissions from their facility on ambient concentrations of PM2.5, gaseous sulfur dioxide, and mercury in the area immediately surrounding the facility and compare them to established standards. This bill requires the Department of Environmental Quality to (i) develop a strategy to reduce mercury emissions from electric generating units and other sources and to conduct an analysis of the issues related to the development and implementation of standards and programs to control emissions of carbon dioxide (CO2) from coal-fired generating units and other stationary sources of air pollution; (ii) evaluate available control technologies; and (iii) estimate the benefits and costs of alternative strategies to reduce emissions of CO2.</p>		

Bills	General Assembly Actions	Date of BOS Position
HB 2893 - Scott (53) Telework Council; created, telecommuting tax credits for certain employers.	2/1/2005 House: Reported from Finance with sub (22-Y 0-N) 2/2/2005 House: Tabled in Science and Technology (15-Y 0-N)	2/7/2005
Support (053091500) Summary: Establishes the Commonwealth Telework Council to advise Governor on guidelines for telecommuting and participation in alternative work schedules. The Council expires on July 1, 2007.		
HB 2915 - Eisenberg (47) Probationers & parolees; Bd. of Corrections to license community-based facilities for care thereof.	2/4/2005 House: Tabled in Counties, Cities & Towns (17-Y 5-N)	2/7/2005
Oppose (056092528) Summary: Gives the Board of Corrections the authority to license community-based or privately operated residential facilities or group homes for the purpose of housing and providing for the temporary care of probationers and parolees who were convicted of non-violent offences. The bill also restricts zoning ordinances from (i) impeding the integration of formerly incarcerated persons into the community, or (ii) excluding the use of residential transitional housing for formerly incarcerated persons where such multioccupancy dwellings or facilities are already permitted for other purposes.		
HJ 616 - Carrico, Sr. (5) Constitutional amendment; assessment of real property (first reference).	2/4/2005 House: Tabled in Privileges & Elections (18-Y 2-N)	1/24/2005
Oppose (050566264) - Board has historically opposed. Estimated impact of \$70 million in FY 2005; same as SJR 329. Summary: Provides that beginning with the 2008 tax year, real property shall be assessed for tax purposes at no more than 105 percent of the assessed value of such property in the preceding tax year. However, if real property is sold or improved, it shall be assessed at fair market value for the tax year in which such transaction or improvement occurs. The fair market value assessment shall then be subject to the five percent limitation in subsequent tax years until such time as the property is again sold or improved.		

Bills	General Assembly Actions	Date of BOS Position
HJ 820 - Brink (48) Constitutional amend.; exempts dwellings designed for continuous habitation (first reference).	2/4/2005 House: Rep. from P. & E. w/amend. (20-Y 0-N) 2/8/2005 House: VOTE: ADOPTION #2 (53-Y 37-N) 2/8/2005 House: VOTE: ADOPTION (84-Y 12-N) 2/15/2005 Senate: Rereferred to Finance 2/17/2005 Senate: Left in Finance	[2/11/2005]
[Monitor] (059264248-E) - SJR 449 (Whipple) left in Senate Finance. Summary: Authorizes the General Assembly to enact legislation that will permit localities to exempt from property taxes up to the first \$100,000 of assessed value of real estate designed for continuous habitation, owned and occupied by the same individuals as their dwelling.		
SB 701 - Houck (17) Pearl Harbor Memorial Flyway; designating portion of Route 95 in Fairfax County.	2/8/2005 Senate: Left in Transportation	1/24/2005
Oppose (050236740) Summary: Designates Interstate Route 95 at the Springfield Interchange in Fairfax County the "Pearl Harbor Memorial Flyway."		
SB 702 - Reynolds (20) Medical assistance services; eligibility for aged and disabled individuals.	1/13/2005 Senate: Rep. from Ed. and Health (14-Y 0-N) 1/13/2005 Senate: Rereferred to Finance 2/1/2005 Senate: Rep. from Fin. w/ amnd. (15-Y 0-N) 2/4/2005 Senate: VOTE: PASSAGE R (40-Y 0-N) 2/10/2005 House: Tabled in H. W. I. (15-Y 7-N)	2/7/2005 [2/11/2005]
[Support] (051061808-E) - Position included in Program. Support (051061808) - Position included in Program. Summary: Requires the state plan for medical assistance services to include a provision for payment of medical assistance for aged and disabled individuals with incomes up to 100 percent of the federal poverty guideline as permitted by federal law. An enactment clause provides that the provisions of this act will not become effective unless an appropriation of general funds effectuating its purposes is included in the 2005 general appropriations act.		
SB 758 - Locke (2) Firearms; localities may adopt an ordinance that prohibits any combination thereof in libraries.	1/25/2005 Senate: Failed to report (defeated) in L. G. (5-Y 10-N)	1/24/2005
Support (051331750) - House version, HB 1785, PBI'd by House Militia, Police and Public Safety Committee. Summary: Provides that localities may adopt an ordinance that prohibits firearms, ammunition, or components or combination thereof, in libraries that are owned or operated by the locality.		

Bold – Indicates BOS formal action

[] Indicates BOS Legislative Committee Action

Bills	General Assembly Actions	Date of BOS Position
SB 780 - Mims (33) Traffic signals; extends sunset on use of photo-monitoring systems.	1/14/2005 Senate: Reported from Transportation (14-Y 1-N) 1/19/2005 Senate: VOTE: PASSAGE (32-Y 8-N) 2/18/2005 House: Passed by indefinitely in M., P.& P. S. (11-Y 10-N)	1/24/2005
Support (053384772) - Regional position included in Program. Summary: "Photo-red" programs. Postpones the July 1, 2005, "sunset" on local "photo-red" programs to July 1, 2007.		
SB 850 - Cuccinelli, II (37) Firearms; carrying on public property.	1/31/2005 Senate: Rereferred to Rules 2/8/2005 Senate: Left in Rules	1/24/2005
Monitor (057930720) Summary: Declares that no person who lawfully possesses a firearm shall be prohibited from carrying such firearm on public property or the buildings thereon unless specifically prohibited by law.		
SB 878 - Wampler, Jr. (40) Line of Duty Act; funding of continued health insurance and death payment of benefits thereunder.	2/2/2005 Senate: Reported from Finance with substitute (15-Y 0-N) 2/7/2005 Senate: VOTE: PASSAGE R (40-Y 0-N) 2/21/2005 House: Left in Appropriations	1/24/2005 [2/11/2005]
<p>[Monitor] (052976836-S1) - Bill has been amended to allow localities the option to opt out of the payment to the state Line of Duty fund; estimated impact of local opt out is \$1.3-\$1.8 million, but difficult to assess. Amend (052904836) - Amend to ensure localities have the option to opt out of the payment to the state Line of Duty fund; estimated impact of local opt out is \$1.3-\$1.8 million, but difficult to assess.</p> <p>Summary: Provides for funding of continued health insurance and death benefit payments for eligible state employees under the Line of Duty Act from employer contributions to a Line of Duty Act Fund administered by the Virginia Retirement System. The Retirement System shall set the rate of annual employer contributions. All payments for continued health insurance and death benefits payments for eligible state employees shall be made from the Fund. In general, health insurance coverage under the Line of Duty Act shall be the basic health insurance plan for state employees. The continued health insurance coverage shall also apply to individuals disabled on or after April 8, 1972 but before July 1, 2000, and their surviving spouses and dependents. The bill also provides that payments for eligible local employees under the Line of Duty Act shall be made by the locality. A locality has the option of contributing to the Fund, or may elect not to participate and be responsible for self-funding the continued health insurance coverage and death benefit of local eligible employees. A locality shall have the option of providing continued health insurance coverage for persons disabled on or after April 8, 1972 but before July 1, 2000, and their surviving spouses and dependents. The bill moves the Line of Duty Act to Title 51.1, relating to pensions, benefits, and retirement.</p>		

Bold – Indicates BOS formal action

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Bills	General Assembly Actions	Date of BOS Position
SB 1072 - Cuccinelli, II (37) Dulles Corridor Rapid Transit Proj.; referendum in Fairfax to prohibit appropri. revenue for project.	1/18/2005 Senate: Failed to report (defeated) in P. & E. (3-Y 12-N)	1/24/2005
Oppose (050275720) - Bill was killed in Senate Privileges and Elections Committee. Summary: Provides for a binding referendum at the November 2005 election in Fairfax County on the question: "Shall the Fairfax County Board of Supervisors be prohibited from committing or appropriating County revenues and funds to the Dulles Corridor Rapid Transit Project?" If a majority of the voters vote yes, the Board will be prohibited from committing or appropriating county revenues to the Project beyond amounts legally committed prior to the effective date of the act.		
SB 1099 - Whipple (31) Motor fuels tax; additional imposition in Northern Virginia transportation district.	2/2/2005 Senate: Reported from Finance (13-Y 0-N 2-A) 2/7/2005 Senate: VOTE: PASSAGE (28-Y 10-N 1-A) 2/7/2005 Senate: VOTE: PASSAGE (28-Y 9-N 1-A) 2/7/2005 Senate: VOTE: RECONSIDER (39-Y 0-N) 2/14/2005 House: Tabled in Finance (17-Y 4-N)	1/24/2005
Support (056674844) - Regional position included in Program. Summary: Increases from two to four percent the sales tax on fuels in every county or city situated in the Northern Virginia Transportation District.		
SB 1100 - Whipple (31) Local government taxes; equalizes city and county authority, penalty.	2/8/2005 Senate: Left in Finance	1/24/2005
Support (056675844) - Board has historically supported. Summary: Equalizes city and county taxing authority by granting counties the same authority available to cities.		
SB 1137 - Hanger, Jr. (24) Cigarettes; tax increased.	2/8/2005 Senate: Left in Finance	1/24/2005
Monitor (056181732) Summary: Allows counties to impose a local cigarette tax at the state cigarette tax per pack, which is \$0.30 per pack on and after July 1, 2005. The cigarette tax imposed by a city or town shall not exceed \$0.30 per pack, unless the city or town had a higher rate in effect on December 1, 2004, in which case the city or town may impose a cigarette tax at that rate but not higher.		

Bills	General Assembly Actions	Date of BOS Position
SB 1199 - Williams (1) Retail petroleum products sales facility; required by ordinance to remove and restore site.	2/8/2005 Senate: Left in Local Government	2/7/2005
Support (054172848) - Similar to HB 2276. Summary: Authorizes any locality to provide by ordinance that the owner of improvements at a motor fuels retail facility, within three years after the premises cease to be used as such a facility, shall remove all improvements and grade the surface, and thereafter shall maintain the surface in a natural or vegetated state until another use is established on the site.		
SB 1240 - Whipple (31) Clean Streams Act, and Clean Streams Advisory Commission; created, report.	2/8/2005 Senate: Left in A. C. & N. R.	1/24/2005
Oppose (056652844) Summary: Requires localities to assess residences connected to a municipal sewer system, septic system, or other wastewater treatment system \$52 per year, and industrial facilities connected to a municipal sewer system \$1,200 per year. Localities are to develop criteria to exempt persons who can demonstrate financial hardship. The money collected is deposited into the Water Quality Improvement Fund and is to be disbursed for the design and installation of state-of-the-art nutrient removal technology and for agricultural best management practices. Each locality can withhold up to \$50,000 or three percent of the money due to cover their administrative costs. The bill creates the 10-member Virginia Clean Streams Advisory Commission. The Commission's purpose is to review, comment, and advise the Departments of Environmental Quality and Conservation and Recreation on the implementation of the Virginia Clean Streams Act.		

Bills	General Assembly Actions	Date of BOS Position
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SB 1335 - O'Brien (39) Communications services; various revisions to taxation thereof.	2/7/2005 Senate: Left in Commerce and Labor (12-Y 0-N)	2/7/2005
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Monitor (054566784) - Similar to HB 2880.

Summary: Completely revises the taxation of communications services as follows: Applies a statewide communications sales and use tax to retail communication and video services on a competitively neutral basis. The communications sales and use tax rate will be 5% on the following: Local Exchange, Paging, Inter-Exchange, Cable Television, (Both Interstate and Intrastate) Satellite Television, Wireless, and Voice over the Internet (VoIP). A \$0.75 "911 Tax" will be applied to each local exchange line (landline) and the current \$0.75 "911 Fee" will continue to be applied to each wireless number. The state communications sales and use tax and state 911 fees and taxes replace the following currently billed taxes: Local Consumer Utility Tax (LCUT), Local Gross Receipts Tax (BPOL) - (Only the portion above 0.5% currently billed to customers, where applicable), Local E-911, Virginia Relay Fee, and Cable Franchise Fee. A statewide Rights-of-Way Use Fee will be applied to all cable TV service lines as is currently applied on all local exchange telephone lines. The rate of the fee will be the same as determined annually by the Virginia Department of Transportation in accordance with 56-468.1 of the Virginia Code. The sales and use tax, 911 tax and the cable rights-of-way fee assessed on consumers of video services from a single provider will be remitted to the Virginia Department of Taxation who will administer the distribution of the Communications Sales and Use Tax Trust Fund within 30 days of receipt of the collections for a given month. The rights-of-way use fee assessed on consumers of both cable video services and voice services from a single provider will be remitted in accordance with 56-468.1 (I). 911 Fees will be remitted directly to the Wireless 911 Board for administration. The redistribution of taxes and fees is intended to be revenue neutral to localities and the Wireless 911 Board and shall cover the current cost of the Virginia Relay Center.

SJ 85 - Hanger, Jr. (24) Constitutional amendment; assessment of real property (first reference).	12/13/2004 Senate: Left in P. & E.	1/24/2005
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Oppose (042969732) - Board has historically opposed. Estimated impact of \$111 million in FY 2005; same as SJR 384.

Summary: Provides that beginning with the 2008 tax year, real property shall be assessed for tax purposes at no more than 102 percent of the assessed value of such property in the preceding tax year. However, if real property is sold, transferred, improved, or rezoned at the owner's request, it shall be assessed at fair market value for the tax year in which such event occurs. Such fair market value assessment shall then be subject to the two percent limitation in subsequent tax years until such time as the property is again sold, transferred, improved, or rezoned at the owner's request.

Bills	General Assembly Actions	Date of BOS Position
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<u>SJ 329</u> - Wampler, Jr. (40) Constitutional amendment (first resolution); assessment of real property.	2/1/2005 Senate: Incorporated by P.& E. (SJ384-Hanger) (15-Y 0-N)	1/24/2005
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Oppose (052914836) - Board has historically opposed. Estimated impact of \$70 million in FY 2005; same as HJR 616. Local option would be adverse due to elimination of uniform equity and possible skewing of statewide funding formulae that consider property valuation.

Summary: Provides that a county, city, or town may enact an ordinance allowing real estate to be assessed at (i) fair market value or (ii) no more than 105 percent of the assessment of the property the preceding tax year, whichever is lower. If such an ordinance is adopted, the same factor for increasing assessments of real estate within the locality's geographical boundaries must be used for all properties assessed using other than the fair market value. If property is sold or improved, it shall be assessed at the fair market value for the tax year in which the sale or improvement takes place, and that assessment will be the basis for determining the assessment in the succeeding tax year.

<u>SJ 384</u> - Hanger, Jr. (24) Constitutional amendment; assessment of real property (first reference).	2/1/2005 Senate: Rereferred to Finance 2/8/2005 Senate: Left in Finance	1/24/2005
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Oppose (050267732) - Board has historically opposed. Estimated impact of \$111 million in FY 2005; same as SJR 85.

Summary: Provides that beginning with the 2008 tax year, real property shall be assessed for tax purposes at no more than 102 percent of the assessed value of such property in the preceding tax year. However, if real property is sold, transferred, improved, or rezoned at the owner's request, it shall be assessed at fair market value for the tax year in which such event occurs. Such fair market value assessment shall then be subject to the two percent limitation in subsequent tax years until such time as the property is again sold, transferred, improved, or rezoned at the owner's request.

Bills	General Assembly Actions	Date of BOS Position
SJ 440 - Whipple (31) Analysis of Potential for Alternate Ded. Revenue Serv. Washington Metro Area Transit Authority.	2/4/2005 Senate: Reported from Rules with substitute 2/8/2005 Senate: Agreed to by Senate by voice vote 2/16/2005 House: Tabled in Rules (15-Y 0-N)	2/7/2005
<p>Support w/ Amend. (056350844) - Support as amended.</p> <p>Summary: Expresses the support of the General Assembly for the recommendations of the Panel on the Analysis of and Potential for Alternate Dedicated Revenue Sources for the Washington Metropolitan Area Transit Authority. The resolution also urges the Governor of Virginia to work with the Governor of the State of Maryland, the Mayor of the District of Columbia and federal officials to make the development of an implementation plan for the Panel's recommendations a top priority for introduction at the 2006 Regular Session of the General Assembly.</p>		